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MEMORANDUM

Meeting Date: July 9, 2024
To: Lake Elmo City Council
From: Nathan Fuerst, AICP, Consulting Planner
Subject: Planning Commission Training Materials Review

Action Requested: No action is requested.

Overview

Each year, the City's Community Development Department seeks to provide training to Planning Commissioners to train new members and refresh those still on the commission. This session is intended to be informative for the City Council and will provide the public with an opportunity to review the training that was provided to the Planning Commission.

Purpose

Commission members who are new, and even continuing members are well served by periodic training. This is critical because a well-trained commission works more smoothly for the community, members feel more fulfilled, and less risk is presented to the City as a result of land use decisions. It is common practice to hold instruction for City Commissions and Councils on an annual basis. One way to do this is with a League of Minnesota Cities training, which commissioners have been offered. In-person trainings are often most desired to facilitate a back and forth discussion.

Content

This discussion will cover the basics of Community Planning, a discussion on the City's zoning ordinance, clarification on open meetings, and information commonly referenced by Planning Commissions. The slides can be found appended to this report.

Next Steps

This is a training; no action is required by the Council.

Community Planning

A “How To” Guide



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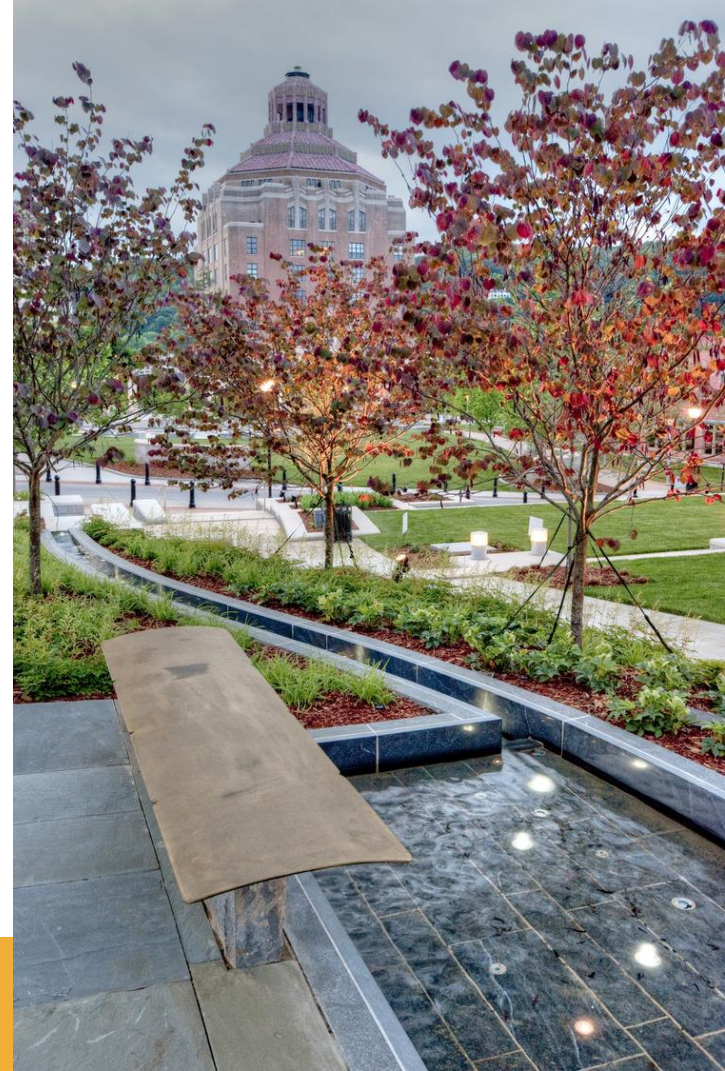


Community Planning

Also known as Urban Planning

Goal of planning: maximize **health, safety, and economic well-being** of all people in our communities. This involves thinking about:

- How we can move around our community
- How we can attract and retain thriving businesses
- Where we want to live, and opportunities for recreation



Planning helps create communities of lasting value.



Community Planning

Planners work with residents and elected officials to guide an entire community or region's layout. Planners **take a broad view and look at how the pieces of a community fit together** like pieces of a puzzle.

Then, planners make **recommendations on how the community should proceed.**



One of the greatest challenges for planners is to imagine what can and should happen to a community:

- How it should grow and change
- What it should offer residents 10, 15, or even 20 years into the future.

Why is Planning Important?

Shaping a Community

Planning helps set policies and goals that foster a distinctive sense of place.

Encouraging Public Dialogue

Provides a process for stakeholders to have their voices heard.

- Robust public input = a strong plan and public support
- Subsequent planning decisions that are consistent with an approved plan's policies are less likely to be controversial

Balancing Competing Interests

Planning can strike a balance between competing demands on land by creating orderly and rational development patterns.

Protecting Public Investments

Planning is a good way to avoid digging up last's years new road for this year's new sewer pipe.

Supporting and Justifying Decisions

The product of good planning provides a factual and objective basis to support zoning and land use decisions and can be used to defend decisions if challenged in court.

Who Plans?

Public Officials – Council, Mayor, City Clerk, Planning Director, City Administration, Planning Commission, EDA, Park Board/ Department, Fire/Police, Public Works, Library, School Board, DNR, DOT, etc.

Developers – are happy to figure out land use and transportation issues for their project, but may not have the whole city in mind

Planning Professionals – Seek out open-minded professionals who can look over your shoulders and point out unintended consequences

Public – the best way to serve the residents of the city is to involve them in planning for their city

- **Stakeholders** – people who have a stake in city can include; major businesses, utility companies, other organizations
- **Youth** – They have the most to gain or lose in the future. What do they want in 5-10 years?

Questions?



What types of plans?

Long Range Planning – land use + Comprehensive Plans

Redevelopment – strategic redevelopment plans

Master Planning – Downtowns + Campus Areas + Recreational Areas

Housing Studies – housing needs and analysis

Small Area Plans – Neighborhoods + Sites

A Comprehensive Plan



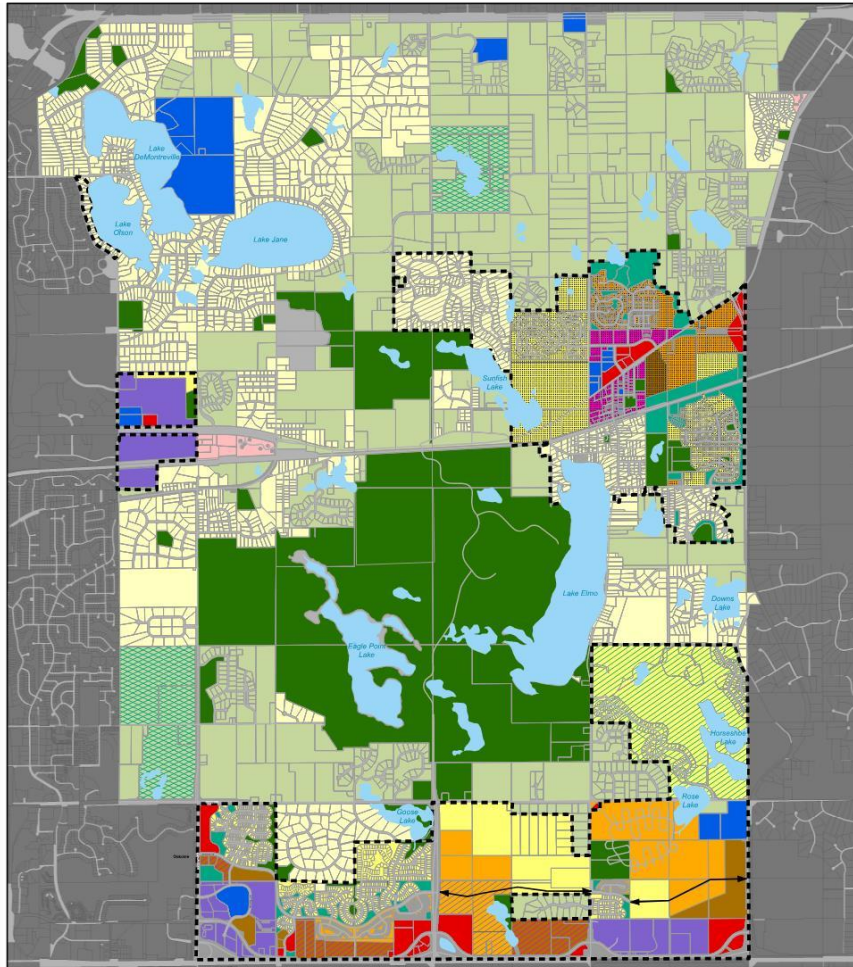
The PLAN can guide the future actions of a community by providing a vision for the future with long-range goals and objectives.

It's comprehensive in:

- **Geography** – Covering the entire city and beyond (extended into future urban service areas)
- **Subject Matter** – Covering all subjects related to the physical development of community: population and job growth, land use, transportation, utilities, parks, environmental, public facilities, schools, etc.
- **Time Horizon** – Most plans are written to provide direction for future activities over a 10-20 year period

Implementing Your Comprehensive Plan

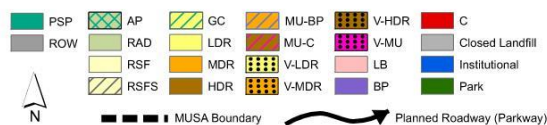
Future Land Use Map



2040 Future Land Use

0 1800 3600 5400 7200 Ft

Map Date: January 2023



Support/deny development proposals

Support/deny zoning code and changes

Guide public investments in infrastructure, public property, city services, etc.

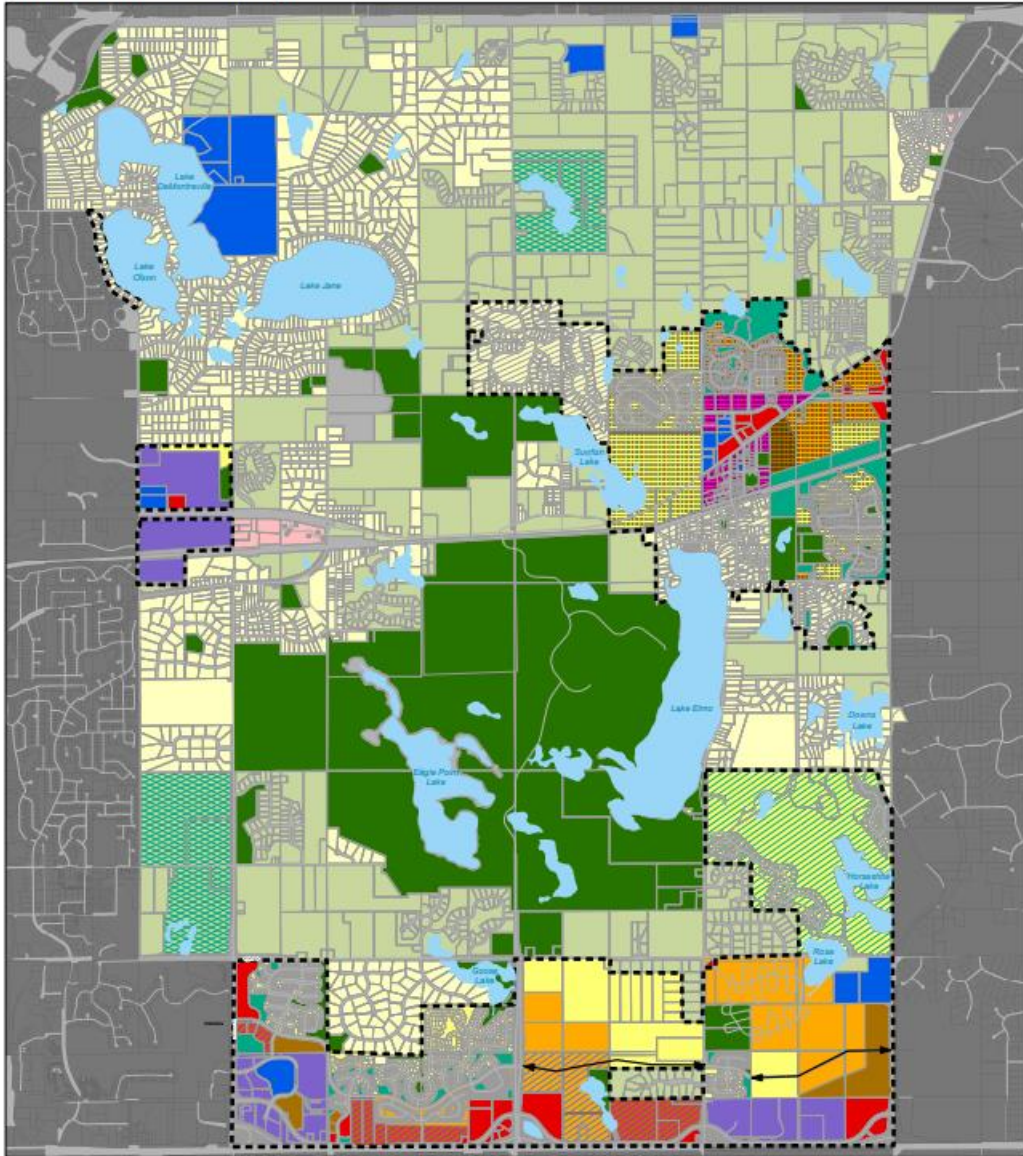
- Roadways, sidewalks, bike facilities, etc.
- Parks and open space
- Community facilities and public buildings
- Public health and safety programs
- Other city programs and initiatives

Form the basis for grant applications

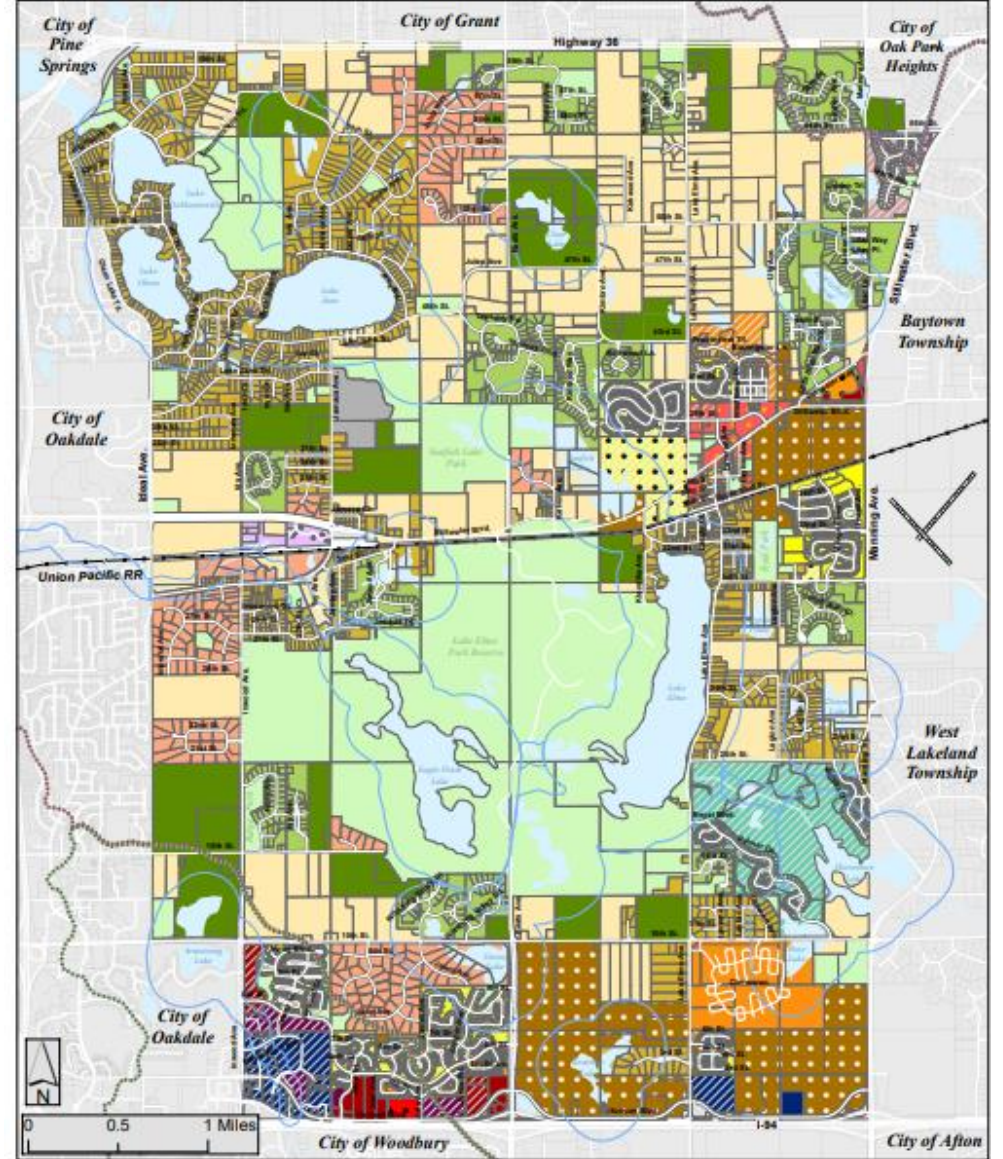
Guide other plans

- CIP, Parks Master Plans, Preservation Plan

Future Land Use Map



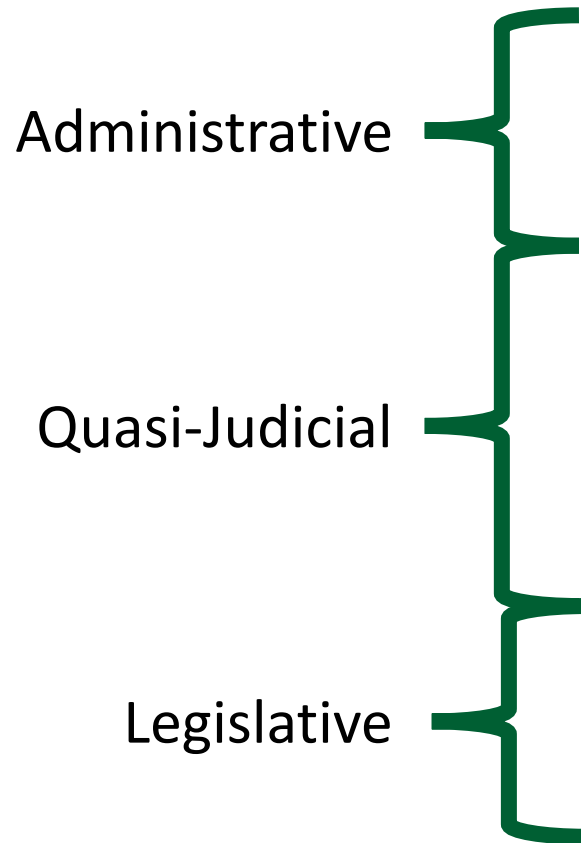
Lake Elmo Zoning Map



Basis For Planning Authority in Minnesota

- State and local authority defined by supreme court case law:
 - Village of Euclid v. Ambler Realty
- Local authority in Minnesota is granted by the State
 - County Enabling Legislation
 - MN Statutes 394.21-394.37
 - City Enabling Legislation
 - MN Statutes 462.351-462.365

Planning Tools



Pyramid of Discretion



Source: League of Minnesota Cities

Questions?



Administrative Decisions

Building Permits

- New Homes
- New Construction
- Additions and Decks

Zoning Permits

- Tree Removal Permits
- Fence Permits



Examples:

- Decks
- Lil' Explorers Daycare Site Plan Review

Examples:

- Sheds
- Fences

Quasi-Judicial Decisions

Land Use Permits

- Variances
- Conditional Use Permits
- Interim Use Permits

Subdivision and Development

- Planned Unit Developments
- Preliminary and Final Plat
- Site Plan Review



Examples:

- Shoreland Variances
- Bridgewater Bank Drive-Thru CUP

Examples:

- Frisbee Minor Subdivision
- Bridgewater Village Subdivision

Legislative Decisions

Zoning/Ordinance Amendments

- Map
- Text
- Interim Use Permits

Comprehensive Plan Amendments

- Text
- Charts and Data
- MUSA
- Future Land Use Map



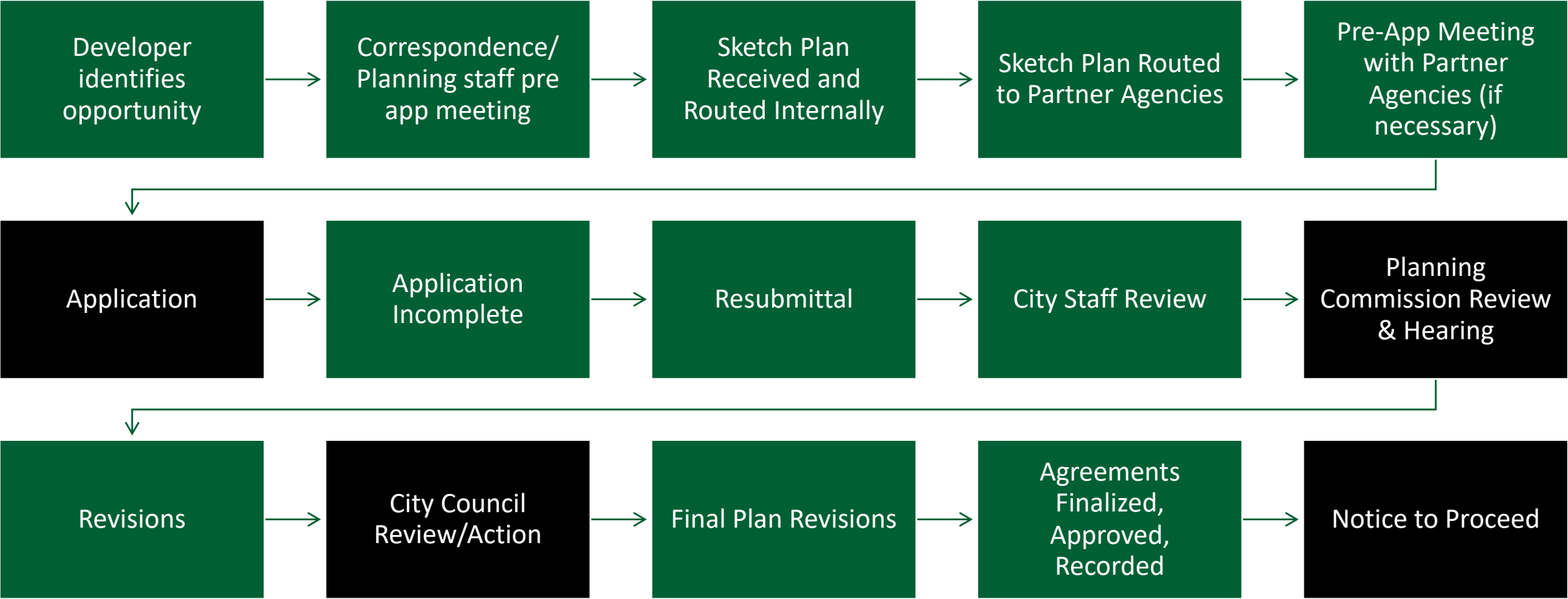
Examples:

- Birth and Haven
- Process Improvement/Housekeeping Amendments
- Top Soil Requirements

Examples:

- North Star Subdivision (Schiltgen farmstead)

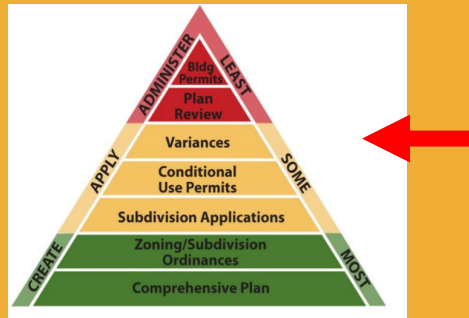
Development Review: what actually might happen



Questions?



Variances



(Quasi-Judicial)

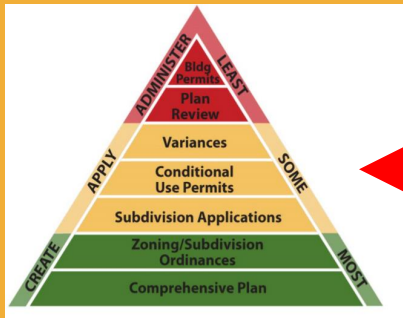
What Staff focuses on:

- Statutory “practical difficulties” test
- Review for potential Ordinance Changes
- Anticipate questions and need for information
- Recommend mitigating conditions

What the Commission should focus on:

- Findings of fact!
- Least discretionary based on well defined conditions and *reasonableness*
- State Statute required “practical difficulties” test
- No precedent – it’s case by case

Conditional Uses



(Quasi-Judicial)

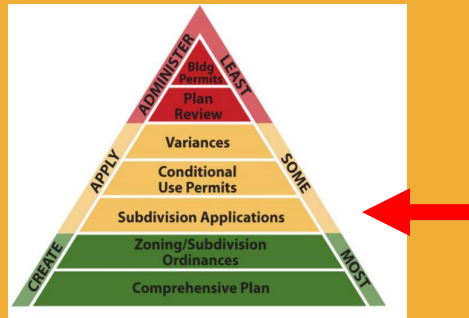
What Staff focuses on:

- Understanding the land use, reviewing similar uses
- Interagency review
- Review for potential adverse impacts
- Identify and recommend prescriptive conditions
- Anticipate enforcement challenges

What the Commission should focus on:

- Understand use is allowed, with conditions
- Public comments/hearing feedback
- Additional mitigating Conditions allowed
 - Conditions must have a rational basis
- Consistency with Comp. Plan and Zoning

Subdivision



(Quasi-Judicial)

What Staff focuses on:

- Land use controls and guidance (including density)
- Environmental impacts
- Infrastructure needs
- Park dedication needs
- Development layout/configuration
- Inter/Intra agency coordination

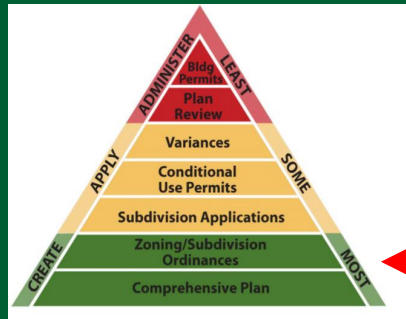
What the Commission should focus on:

- Consistency with Comp. Plan and Zoning
- Understanding the bigger picture
- Public comments/hearing feedback
- Some discretion with conditions and modifications
 - Need a rational basis!

Questions?



Zoning Ordinance



(Legislative)

What Staff focuses on:

- Consistency with Comprehensive Plan
- Compatibility/unanticipated consequences
- Legal implications (MN statutes, non-conformities)
- Coordination with other regulations (design standards)
- Coordination with levels of government (Met Council)

What the Commission should focus on:

- What's missing?
- Consistency w/ Comp Plan?
- Public hearing/comment
- What problem are we solving?
- What problems are we creating?
- What goal are we achieving?

PUD's (via Zoning Ordinance)



(Legislative)

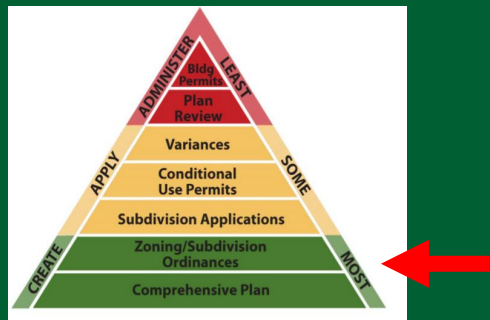
What Staff focuses on:

- Created via Ordinance
- Creation of rules for development and land uses
- Lots of decision-making authority
- What flexibility?
- What benefits above and beyond?
- What goal are we achieving?
- Consistency w/ Comp Plan?

What the Commission should focus on:

- Public hearing/comment
- What's missing?
- Consistency w/ Comp Plan?
- What problem are we solving or creating?

Comprehensive Plan



(Legislative)

What Staff focuses on:

- Facilitating a good planning process
- Understanding local, state, and regional plans and policies
- Anticipating decennial cycle and identifying study areas
- Coordination with adjacent/affected jurisdictions
- Connecting demographic and regulatory trends with City plans and infrastructure investments

What the Commission should Focus on:

- Creation of community centered vision
- Being informed - understanding the bigger picture, demographic, and regional trends
- Being inclusive - public comments/hearing feedback
- Asking questions where clarity is needed

Questions?



Hang in there, baby!



Overview: Commissioners' Role

- Implement the Zoning Code & Comprehensive Plan
- Hold public hearings
- Make recommendations to the City Council
- Understand when role is quasi-judicial – need to be mindful of this as recommendations are formulated
- Commissioners can bring ideas to the commission and staff for formal consideration

Overview: Commissioner Best Practices

- Make sure the public understands their role and influence
- Are the public's concerns applicable & relevant to the request?
- Can the concerns be mitigated? If so, how? Be specific...
- Important the public trusts their government – staff, Commissions and Councils should work together while understanding their unique roles in the process
- Ask important questions ahead of time to make sure you get a meaningful answer from staff
- Catching staff in a “gotcha” moment contributes to distrust in the system

Overview: Staff's Role

- Staff doesn't decide anything – only makes recommendations
- What does the Zoning Code say?
- What does the Comprehensive Plan say?
- Is there precedent to consider?
- Are there any special studies that may impact a recommendation?
- Recommendations are based on a set of facts & interpretation of various codes and studies
- Interpretations are based on purpose & intent of code, relevant studies, and how to mitigate real and/or perceived negative impacts

Overview: Staff Best Practices

- Endeavor to bring only approvable applications forward (this starts before the application is even submitted) – not always possible
- Be honest with applicants & property owners – no guarantees
- Uphold the strictest interpretation of the Zoning Code – allows Commissions and Councils to provide relief verses additional restriction
- Make sure conditions of approval are practical & enforceable
- Create thoughtful findings of fact – both to approve and deny – articulate the why as clearly as possible by citing code, precedent, other relevant studies, and public comment
- Don't be afraid to update ordinances!

Other Roles

- Attorney
- Engineer
- Landscape Architect
- City Departments (Public Works, Building, Fire, etc.)
- Watershed
- County
- Met Council
- State of Minnesota
 - DOT
 - MPCA
 - DNR

Planning for Success

- Questions on a Staff Report or issue? Ask us!
- Thorough discussions at the Planning Commission
 - Staff support by providing good detail
 - Commission findings of fact to support recommendations for City Council action
- Keep up to date on best practices for commissioners and councilors (via resources like LMC)
- Next Steps – Yearly Work Plan Discussions

Thank You

*Jenni Faulkner + Nathan Fuerst, AICP
Urban Planners*

