

C	Community Development Committee	Item 2007-7
	Meeting Date: May 21, 2007 Public Hearing	

ADVISORY INFORMATION

Date	May 15, 2007
Subject	City of Oak Grove Comprehensive Plan Amendment Swan Lake Preserve, Review File No. 17096-23
Districts, Members	Metropolitan Council District 9, Natalie Steffen (763-753-4298)
Prepared by	Tori Dupre, Principal Reviewer (651-602-1621) Phyllis Hanson, Manager Local Planning Assistance (651-602-1566) Mark Vander Schaaf, Planning & Growth Management Director (x1441)
Division/Department	Local Planning Assistance / Planning and Growth Management

BACKGROUND, PREVIOUS COUNCIL ACTIONS

Oak Grove is a rural community located in northern Anoka County, south of the City of St. Francis, east of Burns Township and west of the City of East Bethel. State Highway 65 is 1.5 miles east, parallel to the City's eastern border. The metropolitan wastewater system currently does not serve Oak Grove, although Appendix E (Regional Wastewater System Long-Term Service Areas map) of the Council's *2030 Water Resources Management Policy Plan* currently identifies Oak Grove as a potential area for regional sewer service using a wastewater treatment plant with rapid infiltration.

Lake George Regional Park is located north of Lake George in Oak Grove, and a portion of the Rum River Central Regional Park is located in the southwest corner of the City. The 1996 *Water Resources Management Policy Plan* (pg. 14) identified Oak Grove as a rural area community for which the density "standard will be up to (a maximum of) one dwelling unit per 10 acres." The 2000 Census showed that the City had 6,903 people, 2,200 households, and 354 jobs. The Council forecasts the City to grow at a rate of 20 households per year from 2010 to 2030.

The Metropolitan Council reviewed Oak Grove's 1998 comprehensive plan in January 2000 (Review No. 17096-1). Since 2000, the Metropolitan Council has reviewed approximately 15 comprehensive plan amendments (CPA) regarding land from Agricultural, one unit per 10 acres to Single-Family Residential, one unit per 2.5 acres and affecting over 900 acres. Two and one-half acre lots are four times denser than the standard for *Diversified Rural Areas*.

On January 14, 2004 the Council adopted the *2030 Regional Development Framework* which designates Oak Grove as a *Diversified Rural* community. According to the *Development Framework* (pg. 32), communities in *Diversified Rural Areas* are expected to "[a]ccommodate growth not to exceed [Council] forecasts and clustered development not to exceed 1 unit per 10 acres." *Diversified Rural* communities also are expected to: "Preserve areas where post-2030 growth can be provided with cost-effective and efficient urban infrastructure and accommodate growth without requiring the provision of regional urban services." The *Development Framework* (pg. 13) also states:

Continuing the diversified rural land use pattern in the region saves the costs of extending infrastructure, protects the natural environment and provides groundwater aquifer recharge areas. Currently, lands in the Diversified Rural Communities are not needed for urban development, but should be preserved for post-2030

development. Therefore, only limited growth is forecast for this planning area.

On May 25, 2005 the Council adopted the *2030 Water Resources Management Policy Plan*, and “Long-Term Service Areas” map, showing northwest Anoka County, including the City of Oak Grove, as an area having “potential sewered development with rapid infiltration.”

The *2030 Water Resources Management Policy Plan* (pg. 65) identifies the types of local land uses that may have substantial impacts on, or contain substantial departures from, the metropolitan system plans.

A system departure occurs . . . when a local governmental unit proposes densities in rural areas that exceed Council policy (i.e., one unit per 10 acres in diversified rural areas and one unit per 40 acres in agricultural areas). This may result in underutilization of the available or planned regional wastewater system capacity.

The *Policy Plan* (pg. 66) also states that a substantial departure may occur when:

A local governmental unit is planning to allow development that proposes densities in rural areas (i.e., areas not currently served by public sewers) that exceed Council policy, such as development on 2 1/2 -acre lots that would preclude future economical sewered development.

Since 2005, the Council has reviewed five CPAs regarding Agriculture to Single Family Residential. When considered in the aggregate, those CPAs represent, more likely than not, a substantial departure from the *2030 Water Resources Management Policy Plan* because those five CPAs affected over 900 acres, and created a development pattern four times greater than one unit per ten acres.

On December 13, 2006, the Metropolitan Council reviewed another CPA (DeLong Family Resubmitted, 17096-22) and recommended that the City, prior to submitting future CPA's for single-site residential development, submit a CPA addressing the land use areas for the remaining 372 residential units based on discussions at a June 9, 2006 meeting between Metropolitan Council and the City staff. On June 9, the staff discussed the method to determine the potential number of units community-wide at a one per ten acre density, the opportunity to guide this area for single-family residential development, and locating this land use adjacent to similar existing development. As of this date, the City of Oak Grove has not submitted a CPA responding to this request.

REQUEST SUMMARY

The Metropolitan Council received the Swan Lake Preserve comprehensive plan amendment on November 16, 2006. The CPA proposes to reguide 172 acres from Agriculture (one unit per ten acres) to Single-Family Residential, permitting a density of one dwelling unit per 2.5 acres. The Council's 120-day review ends June 27, 2007.

PROPOSED ACTION

On May 21, 2007 the Community Development Committee will hold a public hearing on the proposed CPA. The Committee is scheduled to act on June 4, forwarding a recommendation to the Metropolitan Council for action on June 13, 2007.

The Community Development Committee will consider the following recommendations:

That the Metropolitan Council:

1. Find that the City's proposed Swan Lake Preserve CPA substantially departs from the Council's *2030 Water Resources Management Policy Plan* (pg. 65, 66) because the proposed amendment allows development at densities (one dwelling unit per 2.5 acres) that exceed Council policy (one unit per 10 acres) for diversified rural areas.
2. Notify the City of Oak Grove that it may not put the proposed Swan Lake Preserve CPA, regarding 172 acres from Agriculture (1/10) to Single-Family Residential (1/2.5), into effect because it is inconsistent with the *2030 Regional Development Framework* policies for a *Diversified Rural* community, inconsistent with the Council forecasts for the City, and does not conform with the *2030 Water Resources Management Policy Plan*.
3. Find that this proposed CPA and the cumulative effect of previous CPAs may have a substantial impact on regional systems, and ultimately affect how metropolitan wastewater and other regional systems are planned, constructed and operated.
4. Adopt Metropolitan Council Resolution No. 2007-_____ requiring the City to modify its CPA to ensure the proposed amendment conforms with the metropolitan system plans. The City should:
 - Modify the proposed CPA to ensure development occurs at densities of one unit per 10 acres, or cluster development at the same density.
 - Work with the Metropolitan Council's Environmental Services Division to plan for potential future wastewater treatment.

ISSUES

1. Does the proposed CPA follow the process described in the Metropolitan Land Planning Act?
2. Is the proposed CPA consistent with the Metropolitan Council's *2030 Regional Development Framework* policies and growth forecasts?
3. Does the proposed CPA conform with the *2030 Water Resources Management Policy Plan* and the policies addressing potential future wastewater treatment systems in northwest Anoka County?
4. Does the proposed CPA represent a substantial departure from, or have a substantial impact on, the regional wastewater system plan?

ISSUES ANALYSIS

1. Does the proposed CPA follow the process described in the Metropolitan Land Planning Act?

Sections 473.858, 473.859 and 473.864 of the Metropolitan Land Planning Act (MLPA) require metropolitan-area municipalities to adopt comprehensive plans that conform to the metropolitan system plans. Minnesota Statutes section 473.175 requires the Council to review comprehensive plans and amendments for conformance to the metropolitan system plans, consistency with regional policies and compatibility with adjacent jurisdictions.

The City of Oak Grove followed the MLPA process in reviewing the proposed CPA. The Oak Grove Planning Commission acted on October 19, 2006, and the City Council acted on October 30, 2006, to approve the Swan Lake Preserve CPA for Metropolitan Council review.

2. Is the proposed CPA consistent with the Metropolitan Council's 2030 Regional Development Framework policies and growth forecasts?

The Council's 2005 system statement for Oak Grove forecasts an average growth rate of 20 households per year from 2010 to 2030.

	2010	2020	2030
<i>Population</i>	7,400	7,600	8,100
Households	2,600	2,800	3,000
<i>Employment</i>	430	530	640

The proposed Swan Lake Preserve CPA is approximately 172 acres located in the City's southeast corner. The landowner intends to record a conservation easement on 134 acres of the site's wetland, water and floodplain areas. Therefore, the CPA proposes 13 residential units on the site's 38 developable acres, at a one-unit per 2.5-acre density.

The City's building permit history over the past twenty years shows that the City issued at least 50 building permits per year. The City responded to its system statement in a letter that explained the City's reasons to find that the Council's forecasts for population and households are unrealistically low. The City did not officially request a hearing to change the system statement.

3. Does the proposed CPA conform with the 2030 Water Resources Management Policy Plan and the policies addressing potential future wastewater treatment systems in northwest Anoka County?

The Council staff finds that the proposed CPA is inconsistent with the 2030 Regional Development Framework policies for the Diversified Rural policy area because the proposed CPA would allow development at a density that significantly exceeds the Council's growth forecasts and would permit development at density levels that are four times greater than the Council's one unit per 10 acres in Diversified Rural policy areas. The proposed CPA does not conform with the 2030 Water Resources Management Policy Plan, and the current CPA is more likely than not to have a substantial impact on regional systems (especially when considering the cumulative effect of the previous five CPAs) because, if implemented, the CPA ultimately would affect how metropolitan wastewater and other regional systems are planned, constructed and operated.

4. Does the proposed CPA represent a substantial departure from, or have a substantial impact on, the regional wastewater system plan?

The WRMPP (pg. 30) states:

The Metropolitan Council will use the wastewater system plan to support the orderly and economic development of the metropolitan area, including the long-term service area of communities. The long-term service area will be generally defined by a community or watershed boundary. A community's comprehensive plan and plan amendments are expected to meet the forecasts and densities specified in the Council's 2030 Regional Development Framework. Inconsistencies would provide the Council with grounds for finding that the community's plan is more likely than not to have a substantial impact on, or contain a substantial departure from, the metropolitan system plan, thus requiring modifications to the local comprehensive plan.

The proposed CPA substantially departs from the 2030 Water Resources Management Policy Plan and is more likely than not to have a substantial impact

on the regional wastewater system plan. The proposed CPA continues a development pattern that may preclude future urbanization at densities that can be efficiently and economically served by regional sewer service. Therefore, this development may directly affect how the metropolitan wastewater treatment system will be constructed, operated and maintained.

FINDINGS AND CONCLUSIONS

Conformity with Regional Systems

The proposed CPA does not conform with the *2030 Water Resources Management Policy Plan*, and “more likely than not” represents a substantial departure from the regional wastewater system plan.

Consistency with Council Policy

The proposed CPA is inconsistent with the *2030 Regional Development Framework* policies for the Diversified Rural policy area because the CPA allows development at a density that is inconsistent with the Council's policies and exceeds the Council's growth forecasts. The cumulative effect of the proposed CPA and the City's past plan amendments are more likely than not to have a substantial impact on regional systems

Compatibility with Adjacent Community Plans

The amendments are compatible with comprehensive plans of adjacent communities.

ATTACHMENTS

- Figure 1: Regional Policy Areas, Regional Systems and CPA location

Figure 1. Location Map, Showing 2030 Framework Planning Areas, Regional Systems and the Harrington CPA Site, City of Oak Grove

