

# C Community Development Committee

Meeting date: April 6, 2009

ADVISORY INFORMATION	
<b>Date:</b>	March 3, 2009
<b>Subject:</b>	Stillwater Township Comprehensive Plan Update Review File No. 20431-1
<b>District(s), Member(s):</b>	District 12, Councilmember Sherry Broecker, 651-486-0816
<b>Policy/Legal Reference:</b>	Minnesota Statute Section 473.175
<b>Staff Prepared/Presented:</b>	Lisa Barajas, Principal Reviewer, 651-602-1895 Phyllis Hanson, Local Planning Assistance Manager, 651-602-1566
<b>Division/Department:</b>	Community Development / Planning & Growth Management

## Proposed Action

That the Metropolitan Council adopt the attached Advisory Comments and Review Record, and take the following actions from the Community Development Committee:

1. Authorize Stillwater Township to put its 2030 Comprehensive Plan Update into effect;
2. Advise the Township to inform the Council of the dates when the Carnelian Marine St. Croix Watershed District and Browns Creek Watershed District approve the final version of the Local Surface Water Management Plan, the date that the Township adopts the plan, and to send a final copy of the plan.

## ADVISORY COMMENTS

### Stillwater Township 2030 Comprehensive Plan Update Review File No. 20431-1 - Council Business Item No. 2009-51

The following Advisory Comments are part of the Council action authorizing the Township to implement its 2030 Comprehensive Plan Update (“Update”):

#### Community Development Committee

1. The Council-adopted *Local Planning Handbook* states that the Township must take the following steps:
  - (a) Adopt the Update in final form after considering the Council’s review recommendations; and
  - (b) Submit one electronic copy and one hard copy of the Update to the Council. The electronic copy must be organized as one unified document.

A copy of the Township resolution as evidence of final approval of the Update should be submitted to the Council.

2. The Council’s *Handbook* also states that local governments must formally adopt their comprehensive plans within nine months after the Council’s final action. If the Council has recommended changes, local governments should incorporate those recommended changes into the plan or respond to the Council before “final approval” of the comprehensive plan by the governing body of the local governmental unit. (Minn. Stat. § 473.858, subd. 3).
3. Local governmental units must adopt official controls as described in their adopted comprehensive plans and must submit copies of the official controls to the Council within 30 days after official controls are adopted. (Minn. Stat. § 473.865, subd. 1).
4. Local governmental units cannot adopt any official controls or fiscal devices that conflict with their comprehensive plans or which permit activities in conflict with the Council’s metropolitan system plans. (Minn. Stat. §§ 473.864, subd. 2; 473.865, subd. 2). If official controls conflict with comprehensive plans, the official controls must be amended within nine months following amendments to comprehensive plans. (Minn. Stat. § 473.865, subd. 3).

## Background

Stillwater Township (Township) is located in Washington County and is bounded by May Township to the north, the City of Stillwater and the City of Oak Park Heights to the south, the City of Lake Elmo to the southwest, and the City of Grant to the west. Polk County, Wisconsin borders the Township to the east with the St. Croix River forming the Township's eastern boundary.

The *2030 Regional Development Framework* (RDF) identifies the Township as a Diversified Rural geographic planning area (see Figure 2).

The Township submitted its *2030 Comprehensive Plan* (Update) to the Council for review to meet the Metropolitan Land Planning Act requirements (Minn. Stat. 473.175) and the Council's 2005 Systems Statement requirements.

## Rationale – Standard of Review & Findings

1. Does the proposed Plan conform to Regional Systems Plans?
2. Is the Plan consistent with Metropolitan Council policies?
3. Is the Plan compatible with plans of adjacent governmental units and plans of affected special district and school districts?

### Conformance with Regional Systems Plans:

- |   |     |
|---|-----|
| 1. Regional Parks   | Yes |
| 2. Transportation including Aviation  | Yes |
| 3. Water Resources Management<br>(Wastewater Services and Surface Water Management) | Yes |

### Consistent with Council Policy Requirements:

- |  |     |
|--|-----|
| 1. Forecasts   | Yes |
| 2. Housing   | Yes |
| 3. <i>2030 Regional Development Framework</i> and Land Use | Yes |
| 4. Individual Sewage Treatment Systems (ISTS) Program      | Yes |
| 5. Water Supply  | N/A |

### Compatible with Plans of Adjacent Governmental Units and Plans of Affected Special Districts and School Districts

- |                                |     |
|--------------------------------|-----|
| 1. Compatible with other plans | Yes |
|--------------------------------|-----|

## Funding

The Council awarded the Township with a \$15,000 planning grant to facilitate the preparation of the Update. Fifty percent of the grant has been paid to date. The remaining disbursement awaits Council action on the Update and City adoption of the Plan following Council action.

## Known Support / Opposition

There is no known opposition.

## **REVIEW RECORD**

### **Review of the Stillwater Township 2030 Comprehensive Plan Update**

#### **STATUTORY AUTHORITY**

The Metropolitan Land Planning Act (MLPA) requires local units of government to submit comprehensive plans (plans) and plan amendments to the Council for review and comment (Minn. Stat. § 473.864, Subd. 2). The Council reviews plans to determine:

- *Conformance with metropolitan system plans,*
- *Consistency with other adopted Plans of the Council, and*
- *Compatibility with the Plans of other local jurisdictions in the Metropolitan Area.*

The Council may require a local governmental unit to modify any plan or part thereof if, upon the adoption of findings and a resolution, the Council concludes that the Plan is more likely than not to have a substantial impact on or contain a substantial departure from metropolitan system plans (Minn. Stat. § 473.175, Subd. 1).

Each local government unit shall adopt a policy plan for the collection, treatment and disposal of sewage for which the local government unit is responsible, coordinated with the Metropolitan Council's plan, and may revise the same as often as it deems necessary. Each such plan shall be submitted to the Council for review and shall be subject to the approval of the Council as to those features affecting the Council's responsibilities as determined by the Council. Any such features disapproved by the Council shall be modified in accordance with the Council's recommendations (Minn. Stat. § 473.513).

#### **CONFORMANCE WITH REGIONAL SYSTEMS**

##### **Regional Parks**

*Reviewer: Jan Youngquist, CD – Regional Parks System Planning, (651-602-1029)*

The Update conforms to the *2030 Regional Parks Policy Plan* as it acknowledges Pine Point Regional Park, the planned Lake Links Regional Trail, and the proposed Washington County Greenway Regional Trail.

##### **Transportation**

###### ***Roads and Transit***

*Reviewer: Carol Becker, MTS – Systems Planning, (651-602-1756)*

The Update conforms to the *2030 Transportation Policy Plan* as it addresses all the applicable transportation and transit requirements. The Update includes an extensive analysis of existing and future transportation deficiencies and recommends improvements to the minor arterial, major and minor collector, and local roadway networks, including needs for Highway 96, Highway 95, and Manning Avenue. The Township lies within Transit Market Area IV with no regular route transit service. Dial-a-ride service is provided by Human Services Incorporated.

Table III-2 (page 67) gives the Township's forecasted population, household, and employment by TAZ. Footnote 3 listed under that table notes that the difference between the total Council allocation and the RDF's totals results from the exclusion of the Orderly Annexation Area from the TAZ analysis. Although this should have been part of the TAZ allocation, Council staff recognizes that the difference is insignificant relative to the peak-hour travel demand that would result from its inclusion in the travel forecast models.

###### ***Aviation***

*Reviewer: Chauncey Case, MTS – Systems Planning (651-602-1724)*

The Update conforms to the aviation system plan and is consistent with Council policy.

## Water Resources Management

### Wastewater Service

Reviewer: Roger Janzig, ES – Engineering Services, (651-602-1119)

The Update is in conformance with the 2030 Water Resources Management Policy Plan. The Metropolitan Council does not have plans to provide wastewater services to the community within the 2030 planning period.

Because the Township lies within the Long-Term Wastewater Treatment Service Area, as defined in the 2030 Water Resources Policy Plan, the Council is planning on conducting a study in 2011-12 to define a post-2030 service area for the St. Croix Valley Wastewater Treatment Plant. In previous communications, the Township has discussed this study with Council staff and has indicated their willingness to participate in this study. Upon completion of the study, the Township’s Comprehensive Plan Update may need to be amended to reflect the study’s outcomes.

### Surface Water Management

Reviewer: Judy Sventek, ES – Water Resources Assessment, 651-602-1156

The majority of the Township lies within the Carnelian Marine St. Croix and Browns Creek watersheds. A small portion of the Township lies within the Middle St. Croix Watershed. However, that portion of the Township is planned for annexation by the City of Stillwater by 2015 and was included in the City’s local water plan. The Board of Water and Soil Resources approved Carnelian Marine St. Croix Watershed District’s latest watershed plan in 2000 and approved the Browns Creek Watershed District’s watershed plan in 2007.

The Update includes the Township’s Surface Water Management Plan (SWMP), which had been reviewed under separate cover. With the revisions provided in the Update, the SWMP fulfills the requirements for local water management plans and is consistent with the Council’s 2030 Water Resources Management Policy Plan.

The Township needs to send to the Council the dates that the watershed organizations approve the SWMP as well as the final SWMP if changes are made to the version provided in the Update.

## CONSISTENCY WITH COUNCIL POLICY

### Forecasts

Reviewer: Dennis Farmer, CD - Research, (651-602-1552)

The forecast-related material in the Update is consistent with Council forecasts.

**Table 1: Met Council Forecasts Compared to the City’s Update Forecasts**

	2000		2010		2020		2030	
	Met Council	Twp	Met Council	Twp	Met Council	Twp	Met Council	Twp
<b>Population</b>	2,553	2,553	2,690	2,690	2,940	2,940	3,350	3,350
<b>Households</b>	833	833	960	960	1,100	1,100	1,260	1,260
<b>Employment</b>	112	112	120	120	120	120	120	120

### 2030 Regional Development Framework and Land Use

Reviewer: Lisa Barajas, CD – Local Planning Assistance, (651-602-1895)

The Update is consistent with the Council’s policies for land use identified in the RDF. The Township is designated as a Diversified Rural community and, as such, is expected to accommodate forecasted growth without requiring the provision of regional urban services. In addition, these communities are expected to

protect natural resources, prevent scattered rural residential development, and adopt conservation subdivision, cluster, or other environmental protection provisions in their ordinances.

The Update has included policies regarding the protection of natural resources in the community and a description of the different land development techniques to preserve open space and the community's rural character.

Southern portions of the Township adjacent to the City of Stillwater are subject to an Orderly Annexation Agreement with the City of Stillwater. These areas are guided as "transition Zone" in the Update, which holds density at one unit per 10 acres, or up to 4 units per 10 acres if the land can be shown to be capable of re-subdivision to accommodate future sewer and water service when they become available. The Township needs to submit its cluster and subdivision ordinances for the Council's information in the Diversified Rural area and for the orderly annexation area.

The Update also contains an analysis of the community's ability to accommodate forecasted growth. Table II-2 in the Update shows unsubdivided land within each future land use category and how much land is needed to accommodate the forecasted household growth. Between 2010 and 2030, the Township will be able to accommodate the 300 additional households, assuming 10 acres per house, and have 784 acres of unsubdivided land remaining.

Portions of the Township have been identified as Long-Term Wastewater Service Areas in the Council's *2030 Water Resources Management Plan*. The Update has guided these areas as "Agricultural" with a density of one unit per 10 acres. As discussed under the Wastewater Service section, the Council will be conducting a service feasibility study for the St. Croix Valley Wastewater Treatment Plant.

## **Housing**

*Reviewer: Linda Milashius, CD – Livable Communities, (651-602-1541)*

The housing element fulfills the affordable housing planning requirements of the Metropolitan Land Planning Act. As a community without regional sanitary sewer, the Township does not have a numerical share of the regional need for affordable housing. The Update provides an assessment of the housing stock and provides goals and policies that state that the Township will work to provide a mix of housing types and opportunities, to improve the housing stock through better maintenance and code enforcement, and will continue to partner with the Washington County HRA to conduct programs and pool resources for affordable housing strategies in the area.

## **Community and Individual Sewage Treatment Systems (ISTS)**

*Reviewer: Jim Larsen, CD – Local Planning Assistance, (651-602-1159)*

The Update is consistent with Council policy relative to ISTS. The Update indicates that there are 850 ISTS operating in the Township, which is completely served by ISTS. Washington County manages all aspects of ISTS installation, inspection, and maintenance for the community. County ISTS Ordinance 128 is consistent with MPCA Rules and with Council policy requirements.

## **Water Supply**

*Reviewer: Chris Elvrum, ES – Water Supply Planning, (651-602-1066)*

The Update is consistent with the *2030 Water Resources Management Policy Plan*. The City does not operate a municipal water supply system and is not required to prepare a water supply plan.

## **Resource Protection**

### ***Historic Preservation***

*Reviewer: Lisa Barajas, CD – Local Planning Assistance, (651-602-1895)*

The Update contains policies and information regarding historic preservation as required by the MLPA. The Update identifies historic and cultural resources within the community and details goals and policies for protecting those resources and for partnering with historic and cultural organizations.

**Solar Access Protection**

Reviewer: Lisa Barajas, CD – Local Planning Assistance, (651-602-1895)

The Update contains a section on Solar Access Protection as required by the MLPA, including goals and policies for new developments and alternative energy sources.

**Aggregate Resources Protection**

Reviewer: Jim Larsen, CD – Local Planning Assistance, (651-602-1159)

The Update identifies the presence of viable aggregate resources in the Township consistent with *Minnesota Geological Survey Information Circular 46*. A map of the extent and location of the resources is contained in the Update. Goals and Policies are in place calling for the protection and management of aggregate resources for extraction prior to non-agricultural development of resource areas, as well as for protection of natural resources and functions both during and after extraction activity. The Implementation section of the Update identifies the intent to adopt regulations to minimize nuisances from aggregate extraction that affect developed areas and that ensure restoration of extraction sites to protect their natural resources and natural functions within 9 months of plan adoption.

**PLAN IMPLEMENTATION**

Reviewer: Lisa Barajas, CD – Local Planning Assistance, (651-602-1895)

The Update includes a description of and schedule for any necessary changes to:

- Capital Improvement Program Yes
- Zoning Code Yes
- Subdivision Code Yes
- ISTS Code Yes
- Housing Implementation Program Yes

The Update contains a implementation chapter, which describes changes to the Township’s ordinances that are required to implement the Update. The implementation chapter also describes the community’s zoning, code and capital improvement program. The Township is reminded that it must submit copies to the Council of any changes made to any of the above noted documents within 30 days of their adoption.

**COMPATIBILITY WITH PLANS OF ADJACENT GOVERNMENTAL UNITS AND PLANS OF AFFECTED SPECIAL DISTRICTS AND SCHOOL DISTRICTS**

The Township submitted its Update to the adjacent communities, affected school districts, Washington County, affected watershed districts, and other special districts for comment on June 27, 2008. The Township received responses from most of the communities and special districts, who generally made minor comments or no comment at all.

**DOCUMENTS SUBMITTED FOR REVIEW**

- Stillwater Township 2008 Comprehensive Plan Update, dated December 2008.
- Copies of comments received from adjacent communities and affected jurisdictions.

**ATTACHMENTS**

- Figure 1: Location Map with Regional Systems
- Figure 2: 2030 Regional Development Framework Planning Areas
- Figure 3: Existing Land Use (2005)
- Figure 4: 2030 Land Use Plan
- Figure 5: Existing and Planned Land Use Tables

FIGURE 1: LOCATION MAP WITH REGIONAL SYSTEMS  
Stillwater Township

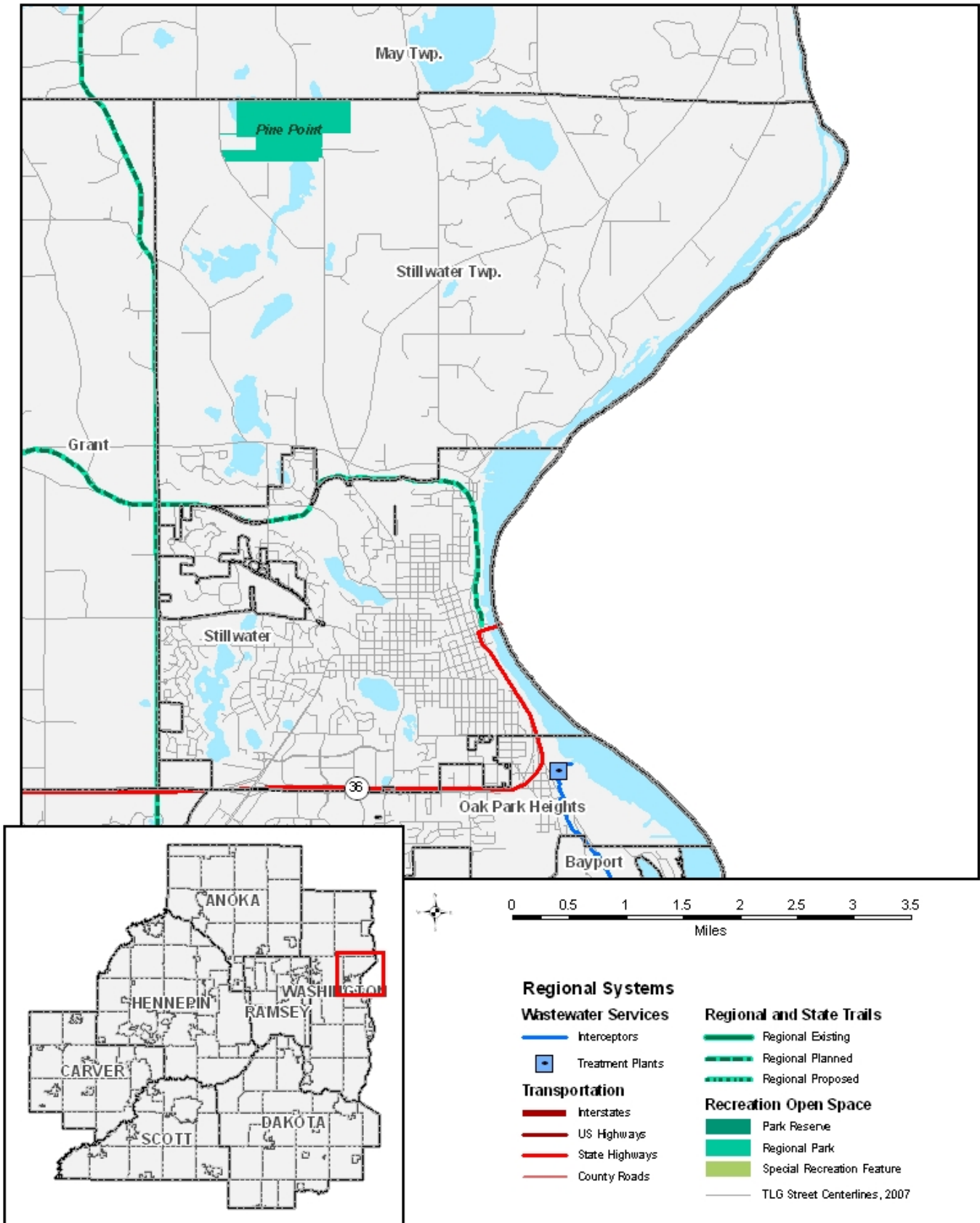




FIGURE 2: 2030 REGIONAL DEVELOPMENT FRAMEWORK PLANNING AREAS  
Stillwater Township

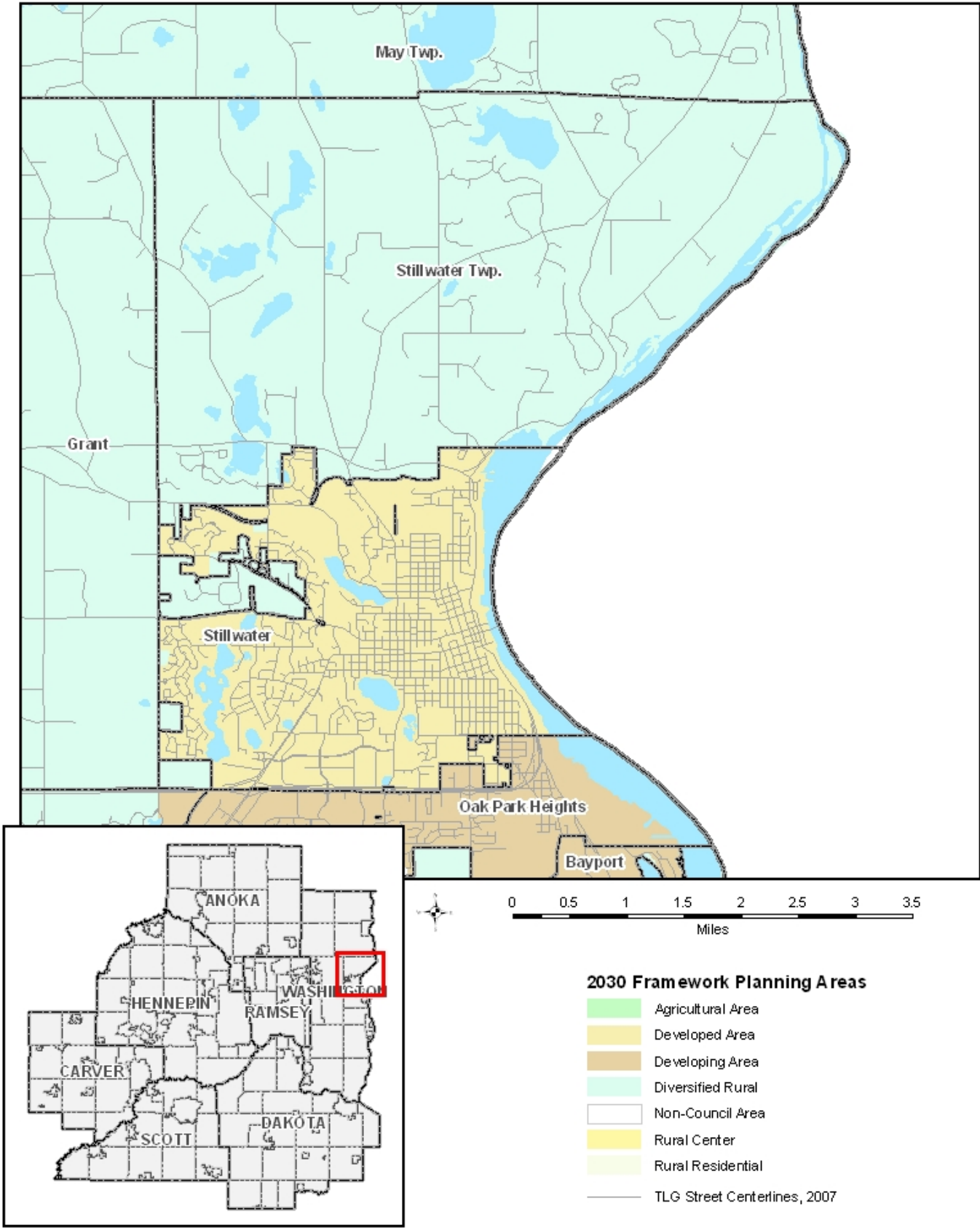


FIGURE 3: EXISTING LAND USE (2005)  
 Stillwater Township

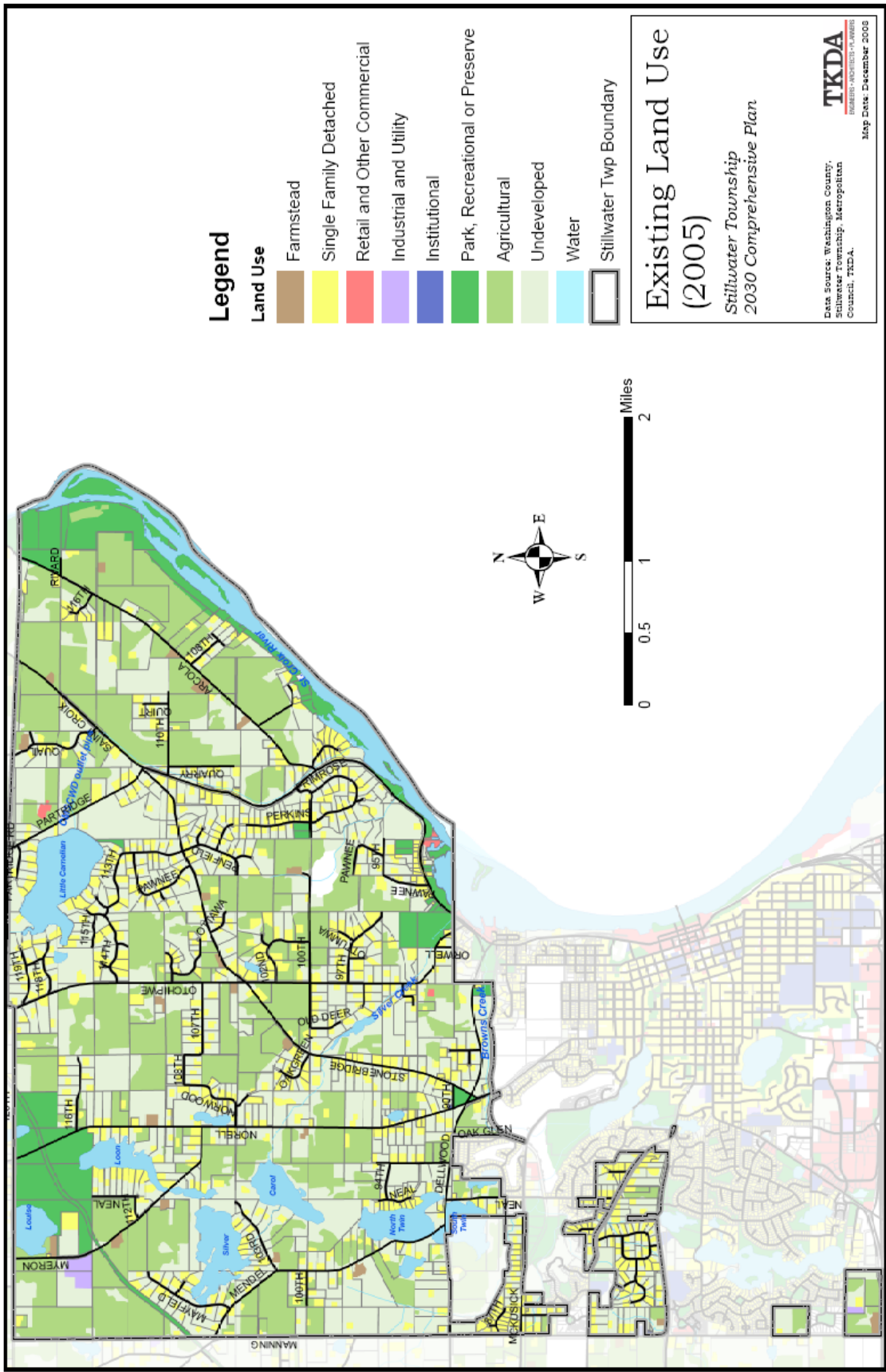


FIGURE 4: 2030 LAND USE PLAN  
Stillwater Township

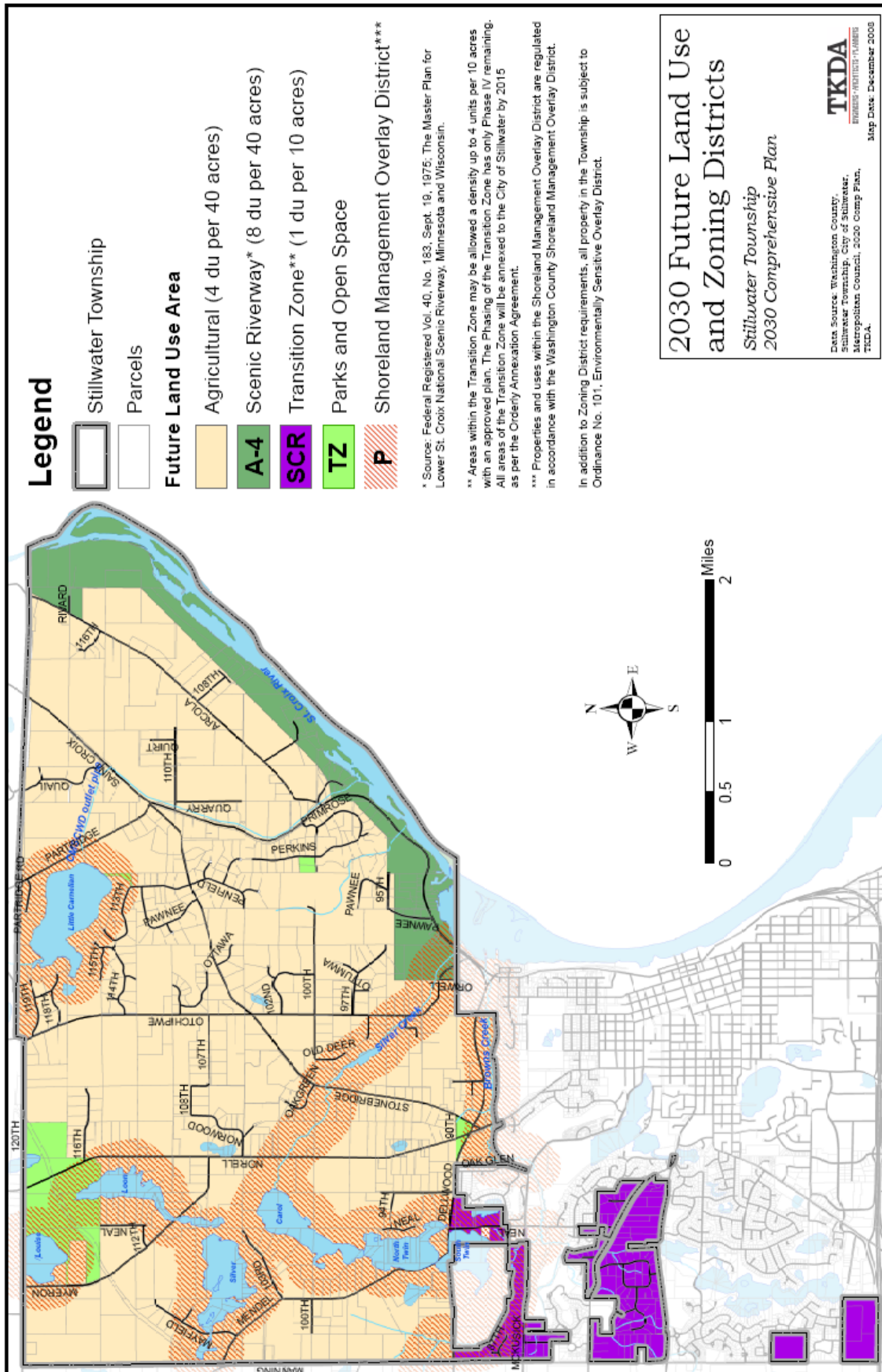


FIGURE 5: EXISTING AND PLANNED LAND USE TABLES  
Stillwater Township

**Table II-1:  
Existing Land Use**

Land Use Categories	1997 Total (in acres)	2005 Total (in acres)	Change 1997-2005	
			Absolute (in acres)	Relative (percentage)
<b>Residential Total</b>	<b>1,465</b>	<b>1,642</b>	<b>177</b>	<b>+12%</b>
Single Family Residential	1,336	1,569	233	+17%
Farmsteads	129	73	-56	-43%
<b>Commercial</b>	<b>7</b>	<b>12</b>	<b>5</b>	<b>+73%</b>
<b>Industrial Total</b>	<b>25</b>	<b>63</b>	<b>38</b>	<b>+151%</b>
Industrial & Utility	0	28	28	N/A
Extractive	25	35	10	+41%
<b>Institutional</b>	<b>12</b>	<b>2</b>	<b>-10</b>	<b>-84%</b>
<b>Parks, Recreation &amp; Preserves</b>	<b>400</b>	<b>700</b>	<b>300</b>	<b>+75%</b>
Major Vehicular Rights-of-Way	7	7	0	+4%
<b>Agriculture &amp; Undeveloped Total</b>	<b>8,533</b>	<b>7,682</b>	<b>-851</b>	<b>-10%</b>
Agriculture	N/A	3,285	N/A	N/A
Undeveloped Land	N/A	4,397	N/A	N/A
Agricultural & Vacant	8,533	N/A	N/A	N/A
<b>Open Water</b>	<b>874</b>	<b>931</b>	<b>57</b>	<b>+7%</b>
<b>Total</b>	<b>11,323</b>	<b>11,040</b>	<b>-283</b>	<b>-3%</b>

Metropolitan Council, 2005 land use data

**Table II-2:  
Future Land Use Acreages**

	A-4	TZ	SCR	P	Total
Existing Acreage	9,012	716	1,071	325	10,799
Developed Acreage (2005)	4,388	610	813		5,810
Unsubdivided Land	4,299	107	348		4,754
<b>Additional Acreage Developed</b>					
2005 - 2010 (97 additional households)					970
2010 - 2020 (150 additional households)					1,500
2020 - 2030 (150 additional households)					1,500
<b>Remaining Unsubdivided Land</b>					<b>784</b>

*NOTES: 1) Acreages include waterbodies. 2) Developed Acreage is area of parcels less than 20 acres. 3) Unsubdivided Land is area of parcels 20 acres or greater. 4) Additional Acreage Developed is acreage needed to accommodate household forecasts, assuming 10 acres per household. 5) Park land is not anticipated to be used for purposes other than parks/open space and thus Parks parcels larger than 20 acres are not included in Unsubdivided land categories.*