



Community Development Committee

Meeting date: April 6, 2009

Business Item

Item: 2009-96

ADVISORY INFORMATION	
Subject:	Dakota County Comprehensive Plan Update Review File No. 20455-1
District(s), Member(s):	District 13, Councilmember Rick Aguilar District 15, Councilmembers Dan Wolter District 16, Councilmember files [vacant]
Policy/Legal Reference:	Minnesota Statute Section 473.175
Staff Prepared/Presented:	Patrick Boylan, Principal Reviewer, 651-602-1438 Phyllis Hanson, Local Planning Assistance Manager, 651-602-1566
Division/Department:	Community Development / Planning & Growth Management

Proposed Action

That the Metropolitan Council adopt the attached Advisory Comments and Review Record, and take the following recommended action:

Recommendation of the Community Development Committee:

Authorize Dakota County to put its 2030 Comprehensive Plan Update into effect.

ADVISORY COMMENTS

Dakota County 2030 Comprehensive Plan Update Review File No. 20455-1 – Council Business Item No. 2009-96

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

Community Development Committee

1. The Council-adopted *Local Planning Handbook* states that Dakota County 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 County Board resolution evidencing 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 plan within nine months after the Council’s final action. If the Council has recommended changes, local governments should incorporate those recommended changes into the Update or respond to the Council before “final approval” 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 plan 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 plan 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

Dakota County is located in the southern portion of the seven-county metropolitan area, surrounded by Scott County to the east, Hennepin, Ramsey, and Washington Counties to the north and Goodhue County to the south. (see Figure 1). The County is comprised of thirteen townships and all or part of twenty cities.

The County 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
(Wastewater Services and Surface Water Management) | Not Applicable |

Consistent with Council Policy Requirements:

- | | |
|---|----------------|
| 1. Forecasts | Yes |
| 2. Housing | Yes |
| 3. 2030 Regional Development Framework and Land Use | Not Applicable |
| 4. Individual Sewage Treatment Systems (ISTS) Program | Yes |
| 5. Water Supply | Not Applicable |

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 Dakota County a \$50,000 planning grant (SG2007-113) for the preparation of a joint comprehensive plan for participating Dakota County townships (Rural Collaborative). The grant was requested by the Dakota County Township Officers Associates and assigned to and signed by Dakota County. Fifty percent of the grant has been paid to date; the remainder will be paid following Council action on the Rural Collaborative Update.

The Council provided no funding assistance for the Dakota County comprehensive plan update, just the Rural Collaborative Update.

Known Support / Opposition

There is no known opposition.

REVIEW RECORD

Review of Dakota County 2030 Comprehensive Plan Update

STATUTORY AUTHORITY

The Metropolitan Land Planning Act (MLPA) requires Dakota County prepare a land use plan, public facilities plan and implementation plan for all unincorporated territories (i.e. townships) within the County. Because the unincorporated territories within Dakota County prepare their own comprehensive plan updates, the County does not need to prepare a land use plan.

Minn. Stat. 473.862 subd. 1 b and c, which are specific to Dakota County, state that:

The County's public facilities plan shall include a:

1. Transportation Plan
2. Parks and Open Space Plan

The County's implementation program shall include a:

1. Description of official controls, addressing zoning, subdivision, and private sewer systems
2. Capital improvement program for transportation and parks/ open space facilities
3. Housing implementation program

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.*

CONFORMANCE WITH REGIONAL SYSTEMS

Regional Parks

Parks and Trails

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

The Update is in conformance with the *Regional Park's Policy Plan* (Parks Policy Plan). The Update acknowledges and plans for existing and proposed regional park facilities with the exception of the "Completing the System" regional park search area in southwest Dakota County. "Completing the System" parks are not anticipated to be developed until after 2030, although acquisition of future parkland is encouraged before such opportunities are lost.

The Update's Park System Plan expanded its trail planning to incorporate a comprehensive greenway system. Some of the objectives of the proposed greenways are to improve water quality, contribute to improved habitat and provide convenient and accessible recreational open space through linear parks. As proposed, the greenway corridors serve a regional park function in addition to a regional trail function. The Update identified a regional greenway corridor along the west side of Chub Lake, which is in the general "Completing the System" regional park search area.

The intent of specifying “Completing the System” park search areas in the Council’s Parks Policy Plan was to identify areas that would be suitable for future parks, both from a recreational and a natural resources protection standpoint, and to support opportunities to acquire park land. By identifying the Chub Lake area as a future greenway corridor, the spirit of the Parks Policy Plan is upheld. The County’s Park System Plan through its greenway vision supports opportunities for land acquisition and does not preclude a future regional park from being developed in the area after 2030.

Transportation

Roads and Transit

Reviewer: Elaine Koutsoukos, MTS – Systems Planning, (651-602-1717)

The Update is in conformance with the *Transportation Policy Plan* (TPP) and addresses all the applicable transportation and transit requirements of a comprehensive plan. 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. The County identifies the Cedar Avenue, I-35W, Red Rock, and Robert Street transitways.

Dakota County is within Market Areas II, III, and IV. Service options for Market Area II include regular-route locals, all-day expresses, small vehicle circulators, special needs paratransit (ADA, seniors), and ridesharing. Service options for Market Area III include peak-only express, small vehicle circulators, midday circulators, special needs paratransit (ADA, seniors), and ridesharing. Service options for Market Area IV include dial-a-ride, volunteer driver programs, and ridesharing.

Advisory comment:

The I-35W bus rapid transit (BRT) corridor summary in the Update needs to add that the Urban Partnership Agreement will convert existing and planned High Occupancy Vehicle (HOV) lanes to High Occupancy Toll (HOT) lanes and extend those lanes in the northbound direction from Burnsville Parkway to downtown Minneapolis and in the southbound direction from 42nd Street to Burnsville Parkway. The entire stretch of those lanes will be open and operational October 2010.

Aviation

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

The Update is in conformance with the aviation policies in the *Transportation Policy Plan*.

Advisory comments:

The Council approved the 2025 Long Term Comprehensive Development Plan (LTCP) for the Airlake Airport. The new plan removes the crosswind runway from the earlier plan and proposes to extend the existing runway to the southeast. An extension to the southeast would require relocating a portion of Cedar Ave in the long term.

Council recommendations associated with the Airlake LTCP approval are as follows:

- That the Metropolitan Airports Commission (MAC) establish a joint airport zoning board, including Dakota County,
- MAC continue coordination to provide sanitary sewer and water to the airport,
- MAC continue coordination concerning aircraft noise using the new 2025 noise contours,
- MAC continue efforts to relocate/realign Cedar Avenue with Dakota County and others, and
- MAC should amend the LTCP when parcels on-airport are developed for non-aviation use.

Also, the following change needs to be made in the text:

- Total Annual Operations for South St. Paul in 2007 were 54,000; current text indicates 714,000.

Water Resources Management

Wastewater Service and Tier II Review Comments

Reviewer: Kyle Colvin, ES – Engineering Services, (651-602-1151)

The County is not required by statute to submit a Tier II plan. The Update does not guide its rural townships for urban growth and the County does not have land use authority for the townships. In addition, the County does not own, nor operate any wastewater treatment facilities.

Surface Water Management

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

The Update is in conformance with the *Water Resources Management Policy Plan* for local surface water management. The Update does a good job of integrating activities, strategies, and goals and policies related to the protection of the water resources. While the County is not mandated to prepare a local surface water management plan, it does have a significant role in water management within the County. A few examples of their roles include enforcement over activities in the floodplain and shoreland, partnership with others to protect wetlands and serve as technical advisors for wetland issues, monitoring the water quality of lakes and streams within the County, and their role in the Vermillion River Joint Powers Board.

CONSISTENCY WITH COUNCIL POLICY

Forecasts

Reviewer: Todd Graham, CD - Research, (651-602-1322)

The Update is consistent with Council’s forecasts and consistent with regional policy.

Dakota County Forecasts

	2010	2020	2030
Population	429,160	488,750	520,010
Households	164,290	193,390	209,400
Employment	179,710	199,540	214,350

2030 Regional Development Framework and Land Use

Reviewer: Patrick Boylan, CD – Local Planning Assistance, (651-602-1438)

The County does not have land use authority within townships or cities of Dakota County.

Housing

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

The Update is consistent with the Council’s policies on housing. The Update fulfills the affordable housing planning requirements of the Metropolitan Land Planning Act for Counties. The Update provides goals, strategies, and implementation tools and programs to address identified housing needs. The County through its Community Development Agency (CDA) offers a number of services to assist in the creation and preservation of affordable housing. The CDA partners with local communities to develop and manage housing choices for seniors, low- and moderate-income families and minorities. Through fiscal tools, such as tax abatement, tax increment financing, and Livable Communities grants, the County supports cities to provide financial incentives for projects that include lifecycle or affordable housing to accommodate the construction of Dakota County’s share of the region’s affordable housing.

Individual Sewage Treatment Systems (ISTS)

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

The Update is consistent with the *Water Resources Management Policy Plan* for ISTS. There are approximately 8,300 ISTS operating in the County. The County’s ISTS Ordinance No. 113 and shoreland

and floodplain Ordinance No. 50 adopt Minnesota Pollution Control Agency (MPCA) Rules by reference. ISTS pumpers are required to send monthly pump logs to the County and the County requires compliance inspections prior to all property transfers. The County has a maintenance management tracking system for all ISTS in the County, but each City and Township is responsible for their own ISTS program administration, permitting, inspections, and enforcement. The County has entered into a Joint Powers Agreement (JPA) with all of the townships and small cities in southern Dakota County as well as five larger Cities to assist them in their respective ISTS maintenance management programs. The County keeps maintenance records, notifies homeowners when pumping is necessary, and notifies townships/cities of the systems which were not pumped in a timely fashion so that local officials can take necessary enforcement action. The County's ISTS program is consistent with MPCA Rules.

Mississippi River Critical Area Plan

Reviewer: Victoria Dupre, CD – Local Planning Assistance, (651-602-1621)

The Update includes a component about the Mississippi River Critical Area. The County updated the Mississippi River Critical Area plan in 1999. The Critical Area plan addressed the state Mississippi River Critical Area requirements and the federal Mississippi National River and Recreation Area (MNRRA) standards. The Update makes no changes to the Critical Area Plan's land use or policies.

The Metropolitan Council's July 28, 1999 action (Review file 17000-1) forwarded the Council's recommendations to the Minnesota Department of Natural Resources (DNR) for final plan approval and to the National Park Service (NPS). The Council will forward the Update and the review report to the DNR and NPS.

Water Supply

Reviewer: Sara Smith, ES – Water Supply Planning, (651-602-1035)

Counties do not have a water supply systems; Dakota County is not required to complete a water supply plan.

PLAN IMPLEMENTATION

Reviewer: Patrick Boylan, CD – Local Planning Assistance, (651-602-1438)

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

- | | |
|----------------------------------|----------------|
| ▪ Capital Improvement Program | Yes |
| ▪ Zoning Code | Not applicable |
| ▪ Subdivision Code | Not applicable |
| ▪ ISTS Code | Yes |
| ▪ Housing Implementation Program | Yes |

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

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

DOCUMENTS SUBMITTED FOR REVIEW

- Dakota County 2008 Comprehensive Plan Update, dated December 16, 2008.
- Supplemental material dated February 11, 2009.

ATTACHMENTS

Figure 1: 2030 Regional Development Framework Planning Areas

Figure 2: Location Map with Regional Systems

Figure 3: Existing Land Use (2005)

Figure 4: 2030 Land Use Plan

FIGURE 1: 2030 REGIONAL DEVELOPMENT FRAMEWORK PLANNING AREAS
Dakota County

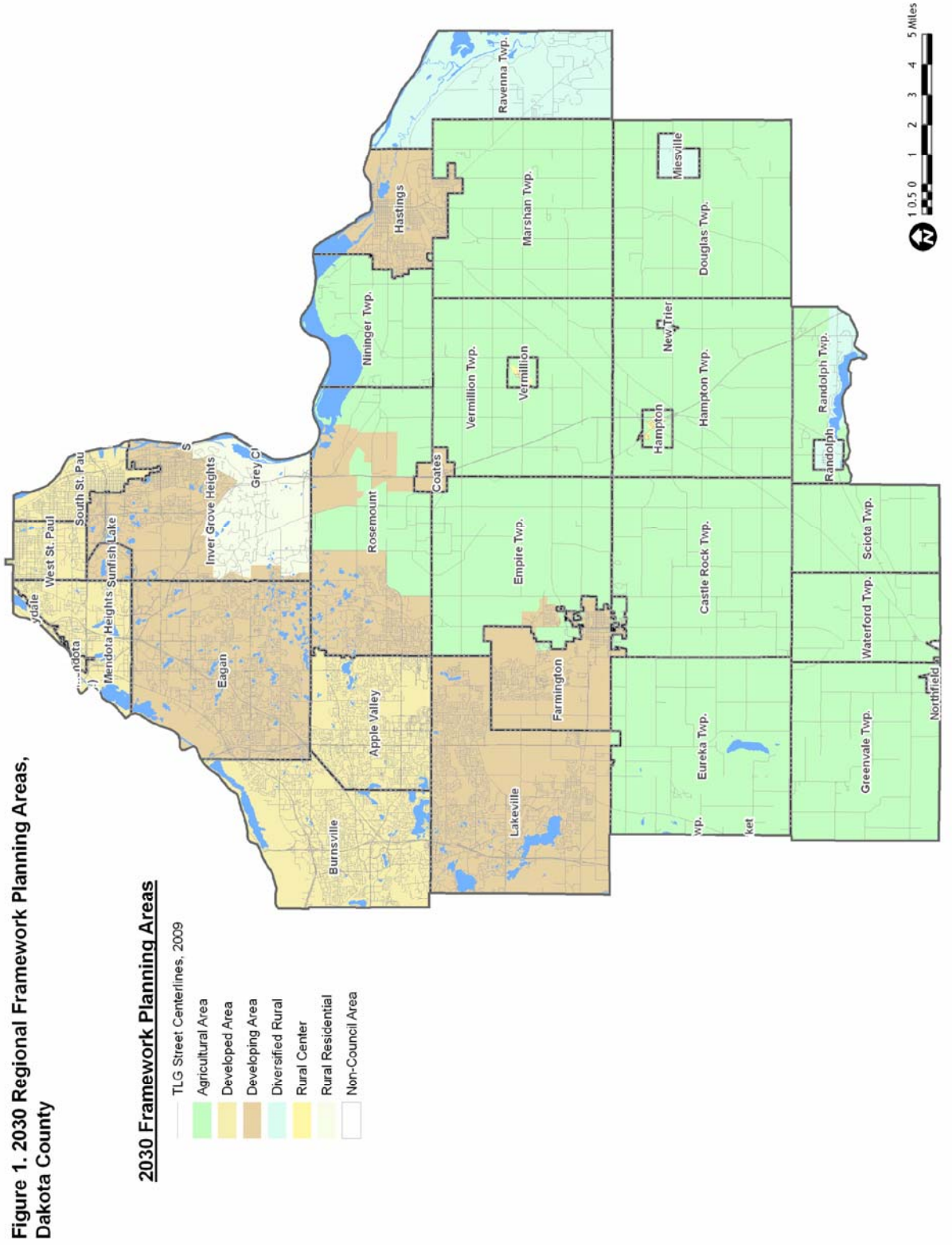


FIGURE 2: LOCATION MAP WITH REGIONAL SYSTEMS - Dakota County

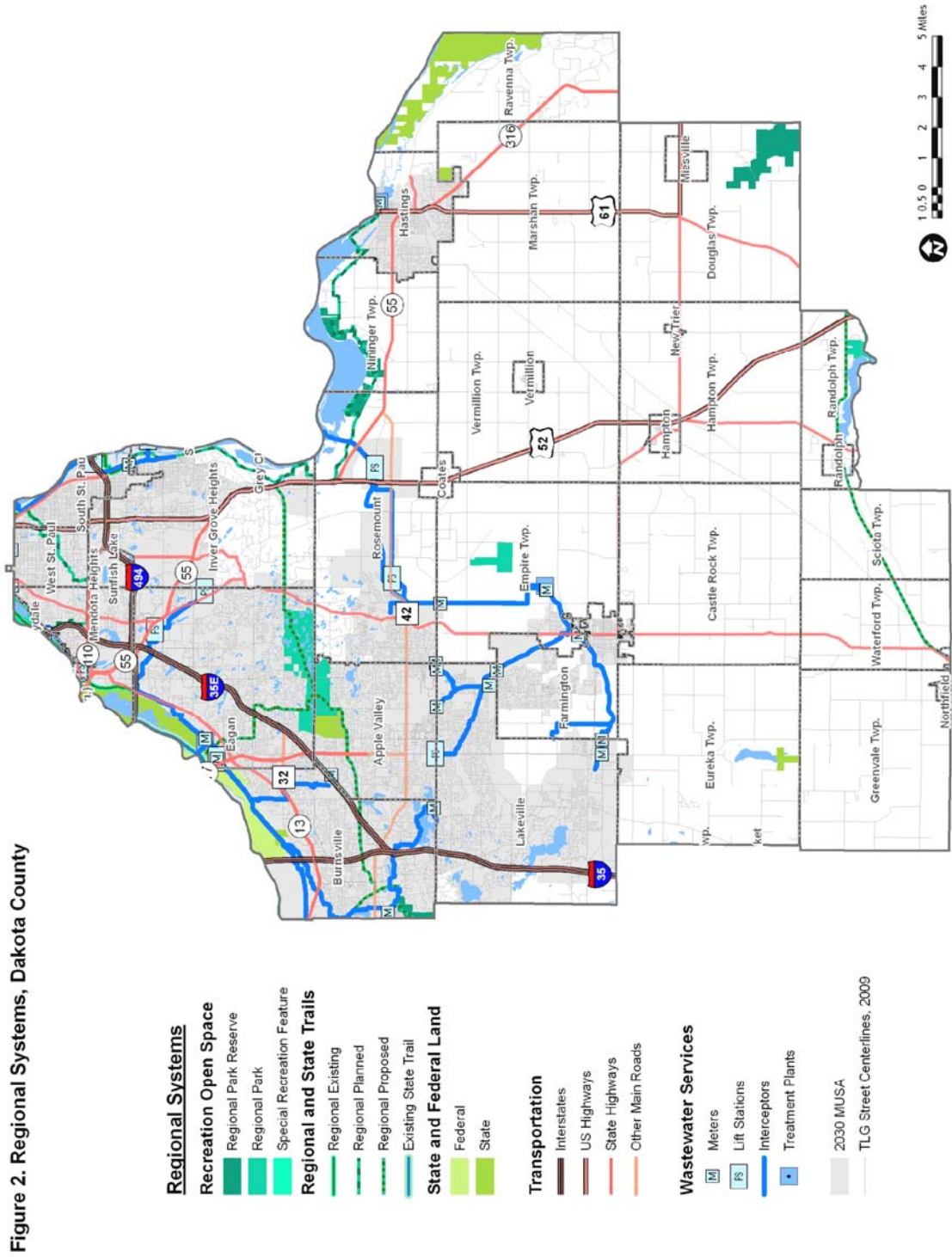
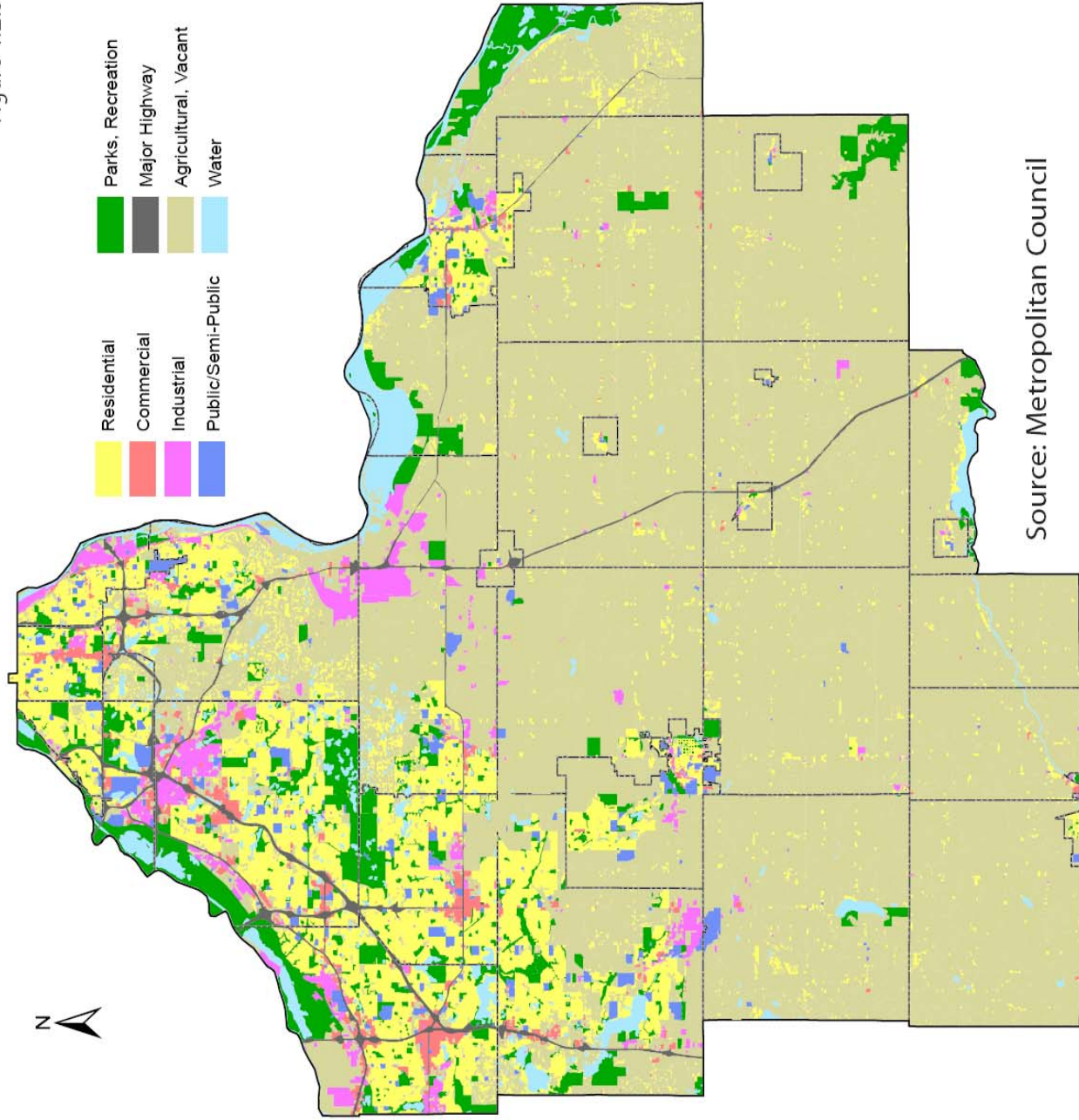


FIGURE 3: EXISTING LAND USE DAKOTA COUNTY

Dakota County land use, 2005

Figure 4.2.3



Source: Metropolitan Council

FIGURE 4: 2030 LAND USE PLAN Dakota County

Land use forecast, 2030

Figure 4.2.6

From 2007 city and township comprehensive plans (will be updated in coordination with the Metropolitan Council to reflect the 2009 plans)

