

# C Community Development Committee

Business Item

Item: 2009-165

Meeting date: May 18, 2009

## ADVISORY INFORMATION

<b>Date:</b>	May 6, 2009
<b>Subject:</b>	City of Lakeland Shores Comprehensive Plan Update Review File No. 20440-1
<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>	LisaBeth 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 recommended actions:

### Recommendations of the Community Development Committee:

1. Authorize the City of Lakeland Shores to put its 2030 Comprehensive Plan Update into effect.
2. Change the planning area designation for the City from Diversified Rural to Rural Residential in the *2030 Regional Development Framework*.
3. Advise the City to:
  - a. Provide to the Council the date that the Middle St. Croix Watershed Management Organization approved the City's local surface water management plan (LSWMP) and the date that the City adopted the final LSWMP.
  - b. Implement the advisory comments noted in the Review Record for Water Supply.

**ADVISORY COMMENTS**  
**City of Lakeland Shores 2030 Comprehensive Plan Update**  
Review File 20440-1 – Council Business Item No. 2009-165

The following Advisory Comments are part of the Council action authorizing the City to implement its 2030 Comprehensive Plan Update (“Update”) and approving the City’s Tier II Comprehensive Sewer Plan:

**Community Development Committee**

1. The Council-adopted *Local Planning Handbook* states that the City 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 City Council 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

The City of Lakeland Shores is located in eastern Washington County on the shore of the St. Croix River. The City is entirely surrounded by the City of Lakeland with the St. Croix River serving as the City's eastern boundary. The *2030 Regional Development Framework (RDF)* identifies the City as a Diversified Rural geographic planning area (see Figure 2).

The City 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  | 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

None.

## Known Support / Opposition

There is no known opposition.

## **REVIEW RECORD**

### **Review of the City of Lakeland Shores 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 Update 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 Council's *2030 Regional Parks Policy Plan*. There are not any regional park facilities in the City.

##### **Transportation**

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

*Reviewer: Ann Braden, MTS – Systems Planning, (651-602-1705)*

The Update conforms to the *2030 Transportation Policy Plan* and addresses all the applicable transportation and transit requirements of a comprehensive plan.

Although there are not any principal arterials within the City, the City is served by CR 18, an "A" minor Connector, which connects to Interstate 94 to the north. The City lies within Transit Market Area IV. Service options for Market Area IV include dial-a-ride, volunteer driver programs, and ridesharing. Rural dial-a-ride service provided by Human Services, Inc.

###### ***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 conforms to the *2030 Water Resources Management Policy Plan* (WRMPP). The Metropolitan Council does not have plans to provide wastewater services to the community within the 2030 planning period.

**Surface Water Management**

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

The Update conforms to the WRMPP for local surface water management. The City lies entirely within the Middle St. Croix watershed. The Board of Water and Soil Resources (BWSR) approved the Middle St. Croix Water Management Organization’s latest watershed management plan in 2005. The City prepared a local surface water management plan (LSWMP) as part of the Update. The LSWMP was reviewed under separate cover in November 2008 and was found to be consistent with Council policy and with the Council’s WRMPP.

Advisory Comment:

The City needs to provide to the Council the date that the Middle St. Croix Watershed Management Organization approved the LSWMP and the date that the City adopted the final LSWMP.

**CONSISTENCY WITH COUNCIL POLICY**

**Forecasts**

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

The forecast-related material is consistent with Council forecasts. The City’s planning uses revised forecasts throughout the Update. Council staff find that the revisions to be realistic and to not pose system impacts, and so can be approved as consistent with regional policy. The City-provided forecast numbers, rounded to the nearest 10, are:

**Table 1. City of Lakeland Shores Revised Forecasts**

	2010	2020	2030
Population	370	370	370
Households	130	130	130
Employment	50	50	50

The Metropolitan Council’s forecast will be revised, as shown in Table 1, effective upon Council approval of the Update. For reference, the City’s System Statement Forecasts are provided in Table 2 below.

**Table 2. Metropolitan Council System Statement Forecasts**

	2010	2020	2030
Population	350	320	320
Households	120	120	120
Employment	50	50	50

Instead of allocating forecasts to Transportation Analysis Zones (TAZs), the Update states that the entire community is located within one TAZ; therefore, sub-city allocation is not required.

**2030 Regional Development Framework and Land Use**

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

With a planning area designation of Rural Residential, the Update is consistent with the 2030 Regional Development Framework (RDF). The Update indicates that the City is designated as a Diversified Rural community. Diversified Rural areas include a mix of a limited amount of large-lot residential development and clustered housing with agricultural and other rural land uses. The RDF directs communities to develop at residential densities no greater than 1 unit per 10 acres. The Update indicates that this designation does not fit the existing or planned land use of the community because the existing density already exceeds the prescribed density for Diversified Rural areas.

With this Update, the City requests a change in its geographic planning area designation from Diversified Rural to Rural Residential. Rural Residential area, according to the RDF, are areas currently developed at one unit per 2.5 acres or less and do not have plans to provide urban infrastructure, such as centralized wastewater treatment, to their communities.

The Update makes the case for changing the designation of the community from Diversified Rural to Rural Residential. Most of the City was platted as small residential lots ranging in size from roughly half an acre to 1.5 acres served by on-site wells and individual sewage treatment systems. See Figures 3, 4, and 5; while the City does have some commercial properties, there is not enough commercial development or property to support a significant commercial or village center area. In addition, the City does not have plans to serve the community with a municipal sewer system, nor does the Metropolitan Council have plans to extend regional wastewater services to the community. For these reasons, a designation of Rural Center or Diversified Rural would not be suitable, while Rural Residential would be the appropriate designation. Council staff finds the City's request to be reasonable and supports the City's request for a change in geographic planning area designation.

The City's policies for land use are consistent with those identified by the RDF for Rural Residential communities.

### **Housing**

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

The Update fulfills the affordable housing planning requirements of the Metropolitan Land Planning Act. As a community without regional wastewater services, the City 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 the City will use to address its local affordable and lifecycle housing needs. Being a small and fully developed community, the City primary goal is to retain and preserve its existing housing stock. The City will do this through enforcement of the zoning and building codes to ensure housing quality. The Update states that the City will work with Washington County and/or the Washington County HRA to address low- and moderate-income housing needs, and to identify resources to maintain and advance housing affordability in the community where possible.

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

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

The Update is consistent with the WRMP requirements for ISTS. The entire community is served by ISTS, with approximately 117 systems in operation within the City. The City has contracted with Washington County to manage all aspects of the ISTS installation, inspection, and maintenance for the community. The County's Ordinance 128 is consistent with MPCA Rules and with Council policies.

### **Water Supply**

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

The City does not own or operate a water supply system, and so is not required to complete a water supply plan. A portion of the community is served by the City of Lakeland on a retail basis, while the remainder of the community relies on private wells for drinking water.

### **Resource Protection**

#### ***Historic Preservation***

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

The Update appropriately addresses historic preservation in the community. The Update describes the City's policy and existing ordinance for the protection and preservation of historic and cultural resources.

#### ***Solar Access Protection***

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

The Update contains a policy and objections regarding Solar Access Protection as required by the MLPA, describing the City’s policy and existing ordinances designed to accommodate use of passive and active solar energy technologies.

**Aggregate Resources Protection**

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

The Update indicates that some aggregate resource mining took place before significant development occurred in the City and that any aggregate deposits that might remain are no long available for extraction due to existing residential development. *Minnesota Geological Survey Information Circular 46* concurs with the City’s determination. No further information is required from the City.

**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 an implementation section, which describes the official controls and fiscal devices that the City will employ to implement the Update along with an existing Zoning Map. Because of the relatively small amount of available land for development and the City anticipating little change, the City does not expect to make changes to existing Ordinances. The City does not currently provide, nor does it have plans to provide, community facilities such as water supply or wastewater services. Because the City currently contracts for those services or those are provided on individual on-site systems, the City does not have a capital improvements program for public expenditures for community facilities. Local road improvements are made on a by-request basis or when deemed necessary by the City Council. The City 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 City submitted its Update to the adjacent communities, county and affected school districts, affected watershed districts, and other special districts for comment on June 22, 2008. There are no apparent issues with the Update from adjacent governmental units and communities

**DOCUMENTS SUBMITTED FOR REVIEW**

- City of Lakeland Shores Comprehensive Plan and Local Surface Water Management Plan (December 29, 2008)
- Comprehensive Plan with revisions to Land Use section (April 24, 2009)

**ATTACHMENTS**

- Figure 1: Location Map with Regional Systems
- Figure 2: 2030 Regional Development Framework Planning Areas
- Figure 3: Existing Land Use
- Figure 4: 2030 Future Land Use
- Figure 5: Planned Land Use Table

FIGURE 1: LOCATION MAP WITH REGIONAL SYSTEMS  
 City of Lakeland Shores

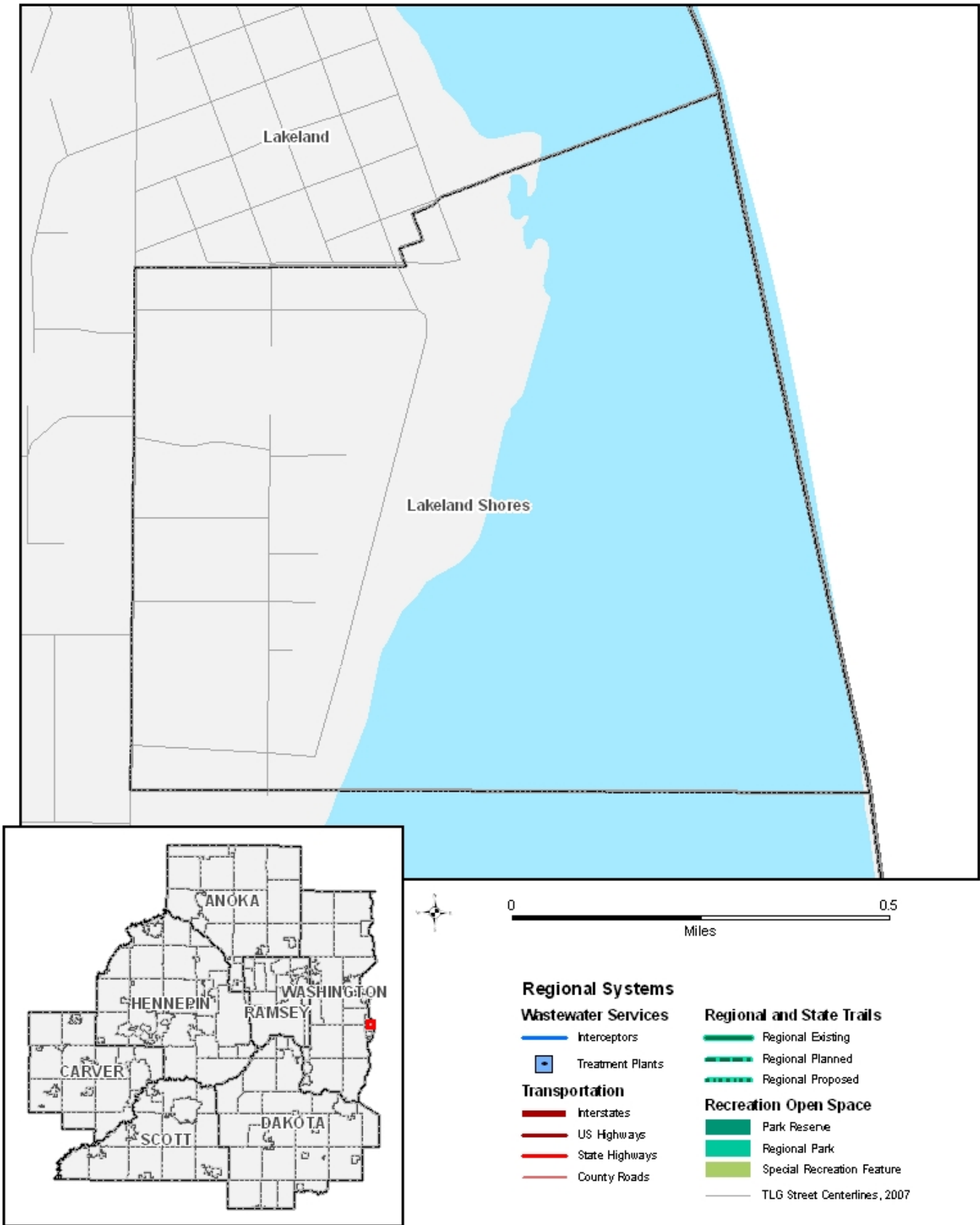
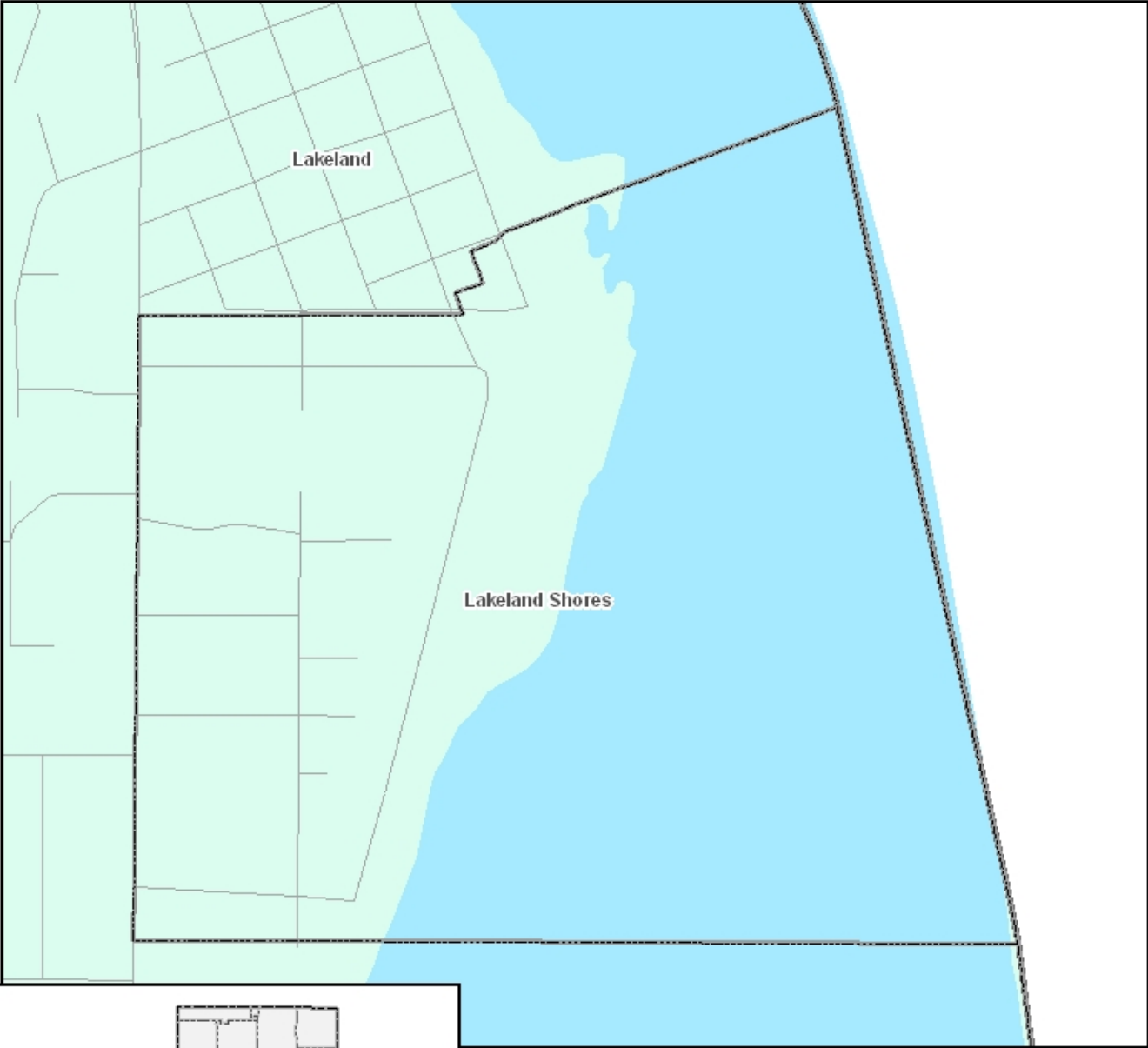




FIGURE 2: 2030 REGIONAL DEVELOPMENT FRAMEWORK PLANNING AREAS  
 City of Lakeland Shores



- 2030 Framework Planning Areas**
- Agricultural Area
  - Developed Area
  - Developing Area
  - Diversified Rural
  - Non-Council Area
  - Rural Center
  - Rural Residential
  - TLG Street Centerlines, 2007

FIGURE 3: EXISTING LAND USE

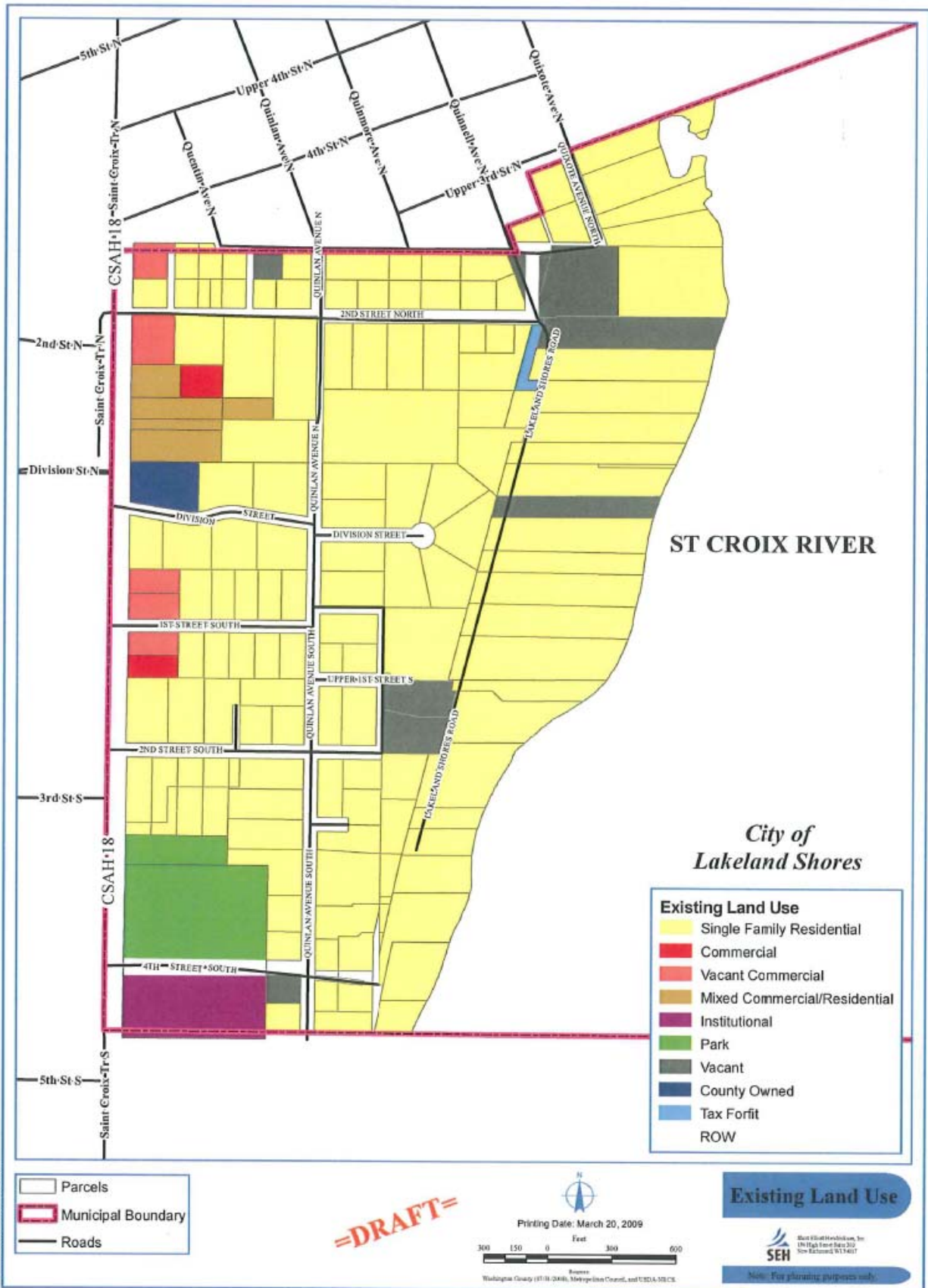


FIGURE 4: 2030 FUTURE LAND USE

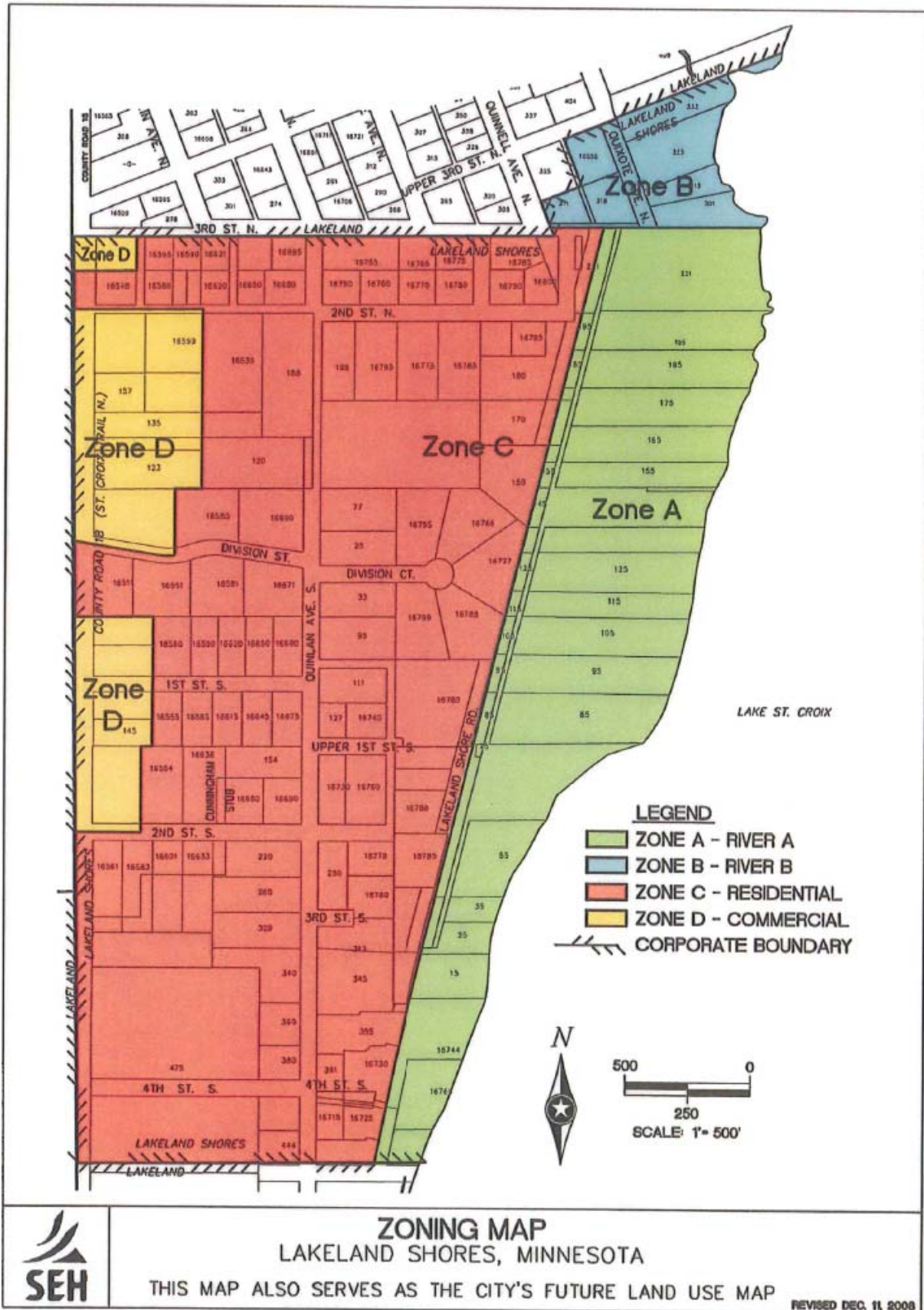


FIGURE 5: PLANNED LAND USE TABLE  
 City of Lakeland Shores

**Zoning District Area  
 Table**

District	Acreage	Permitted Use(s)
Zone A – River A	45.16	Single Family Residential
Zone B – River B	7.33	Single Family Residential
Zone C – Residential	119.65	Single Family Residential
Zone D – Commercial	17.04	Single Family Residential Commercial – Conditional Use
<b>Total</b>	<b>189.18</b>	