

# C Community Development Committee

Business Item

Item: 2009-167

Meeting date: June 15, 2009

## ADVISORY INFORMATION

<b>Date:</b>	June 1, 2009
<b>Subject:</b>	City of Oak Grove 2030 Comprehensive Plan Update Review File No. 20465-1
<b>District(s), Member(s):</b>	District 9, Councilmember Natalie Steffen
<b>Policy/Legal Reference:</b>	Minnesota Statute Section 473.175
<b>Staff Prepared/Presented:</b>	Susan Hoyt, Planning Analyst, 651-602-1330 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 the following:

### Recommendations of the Community Development Committee:

1. Authorize the City of Oak Grove to put its 2030 Comprehensive Plan Update into effect.
2. Revise the geographic planning designation for those areas outlined in this Review Record from Diversified Rural to Rural Residential
3. Advise the City to:
  - a. Send the Council the date the watershed approved the Surface Water Management Plan (SWMP) as well as the date the City adopts the final SWMP.
  - b. Implement the advisory comments under Transportation, Forecasts and Water.
  - c. Work with Council staff to develop ordinances for the Urban Reserve Area that are consistent with the Council's Flexible Residential Development Ordinance Guidelines prior to approving any subdivisions of lots under 10 acres.
  - d. Participate in the Council's plat monitoring program.
  - e. Submit a Comprehensive Plan Amendment for any pre-2030 sewer development in the Urban Reserve.

## ADVISORY COMMENTS

### 2030 Comprehensive Plan Update

Review File No. 20465-1 Council Business Item No. 2009-167

The following Advisory Comments are part of the Council action authorizing the City to implement its 2030 Comprehensive Plan Update.

#### 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 comprehensive plan 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 Update 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 Oak Grove is located in northern Anoka County. It is surrounded by East Bethel to the east, St. Francis and Bethel to the north, Andover to the south and Nowthen to the east. (See Figure 1)

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.

The *2030 Regional Development Framework (RDF)*, as adopted by the Metropolitan Council (Council) in January 2004, identified Oak Grove as within the "Diversified Rural" geographic planning area (Figure 2).

### Related History.

- On January 14, 1993 the Council authorized Oak Grove Township to put its 1992 Comprehensive Land Use Plan Amendment (later referred to as the 1994 and 1998 plan) into effect (later referred to as the 1994 plan) based upon household forecasts at gross density of 1 unit per 10 acres.
- On January 26, 2000 the Council authorized the City to put its 1998 Comprehensive Land Use Plan into effect. The Review Record of the 1998 Plan notes the need to plan for 1 unit per 10 acres and advises the City that 2.5 acre lots were inconsistent with Council policy.
- On August 24, 2005 the Council adopted the 2005 Systems Statements.
- On December 13, 2006 the Council approved the DeLong CPA and

*advised the City that prior to submitting future CPAs for single site residential development, the City must submit a CPA addressing the land use areas for the remaining 372 units based upon the Metropolitan Council and the City staff meeting on June 9, 2006. (2006-242)*

The City did not respond to the advisory nor submit a CPA to the Council.

- On June 27, 2007 the Council denied the Swan Lake Preserve Comprehensive Plan Amendment and stated that the cumulative effect of CPAs on 2.5 acre lots may have a substantial impact on the regional systems and could require the City to modify its Comprehensive Plan to ensure one unit per 10 acres and to work with the Council staff (Resolution 2007-15, Attachment 1).
- On August 22, 2007 the Council amended the *2030 Regional Water Resources Policy Plan (WRPP)* to include approximately 1,200 net developable acres in the long term wastewater service area (LTSA).
- On September 26, 2007 the Council approved the Gardas Grove CPA for 2.5 acre lots based on its location outside the potential LTSA.
- On December 31, 2008 the City submitted its Update to the Council for review.

## 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 districts 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   | Proposed Revisions     |
| 2. Housing   | Yes                    |
| 3. <i>2030 Regional Development Framework</i> and Land Use | No, Proposed Revisions |
| 4. Individual Sewage Treatment Systems (ISTS) Program      | Yes                    |
| 5. Water Supply  | Yes                    |

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

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

**Funding**

Not applicable.

**Known Support / Opposition**

There is no known opposition.

## REVIEW RECORD

### Review of the City of Oak Grove 2030 Comprehensive Plan Update

#### STATUTORY AUTHORITY

The Metropolitan Land Planning Act (MLPA) requires local units of government to submit comprehensive 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 (PPP)*. The regional parks' facilities in the City include the Lake George Regional Park and Rum River Central Regional Park as well as the proposed Rum River Regional Trail and the proposed North Anoka Regional Trail.

##### **Transportation**

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

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

The Update conforms to the *2030 Regional Transportation Policy Plan (TPP)* and addresses the applicable transportation and transit requirements. The City has no principal arterials. 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 City is outside the Transit Taxing District and lies within "Transit Market Area IV," which calls for dial-a-ride, volunteer driver programs and ridesharing transit programs. Rural dial-a-ride service is provided by Anoka County Traveler and the Anoka County Volunteer.

*Advisory Comment:*

- The Update identifies a proposed functional classification system. If the City wants these proposed roads incorporated into the TAB's adopted classification system, it must request inclusion through the TAC-Planning Committee. This process is separate from the Update review.

***Aviation***

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

The Update conforms to the *2030 Transportation Policy Plan (TPP)* and is consistent with aviation policies.

**Water Resources Management**

***Wastewater Service***

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

The Update conforms to the *2030 Water Resources Management Policy Plan (WRMPP)*. The Council does not plan to provide wastewater service to the community within the 2030 planning period.

The Update identifies an Urban Reserve area for future regional wastewater service in excess of 1,000 net developable acres in the southeast portion of the City. This area will receive wastewater treatment service through the Council's future East Bethel Wastewater Reclamation Plant (WRP). The WRP is expected to be operational in 2012.

The area within the Urban Reserve is designated Diversified Rural, which allows for a residential density not to exceed 1 residential unit per 10 acres or for clustered development. The Update proposes implementing a cluster ordinance in the Urban Reserve area that permits up to 4 units per 10 acres if the overall subdivision's density does not exceed 1 unit per 10 acres, and if the subdivision guarantees that open space can achieve a future sewered development density of 3 units per net developable acre. This is consistent with density policies for Diversified Rural communities.

***Surface Water Management***

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

The Update conforms to the *2030 Water Resources Management Plan (WRMPP)* for surface water management. The Upper Rum River Watershed Management Organization's (URRWMO) latest watershed management plan was approved by the Board of Water and Soil Resources in 2007. The City submitted a local surface water management plan (SWMP) to the Council in 2009 that was reviewed under separate cover. The SWMP was found to be consistent with Council policy and the Council's WRMP.

*Advisory comment:*

- The City needs to send the Council the date the watershed approved the SWMP as well as the date the City adopts the final plan.

## CONSISTENCY WITH COUNCIL POLICY

### Forecasts

*Reviewer: Todd Graham, CD - Research (651-602-1552)*

The Update proposes forecasts are higher than the Council's forecasts based upon the City's calculations of recent growth using the assumption that all January to December 2006 residential building permits were built out and occupied by April 2006. Council staff find the proposed forecasts acceptable in terms of market conditions and land capacity. The revised forecasts will be officially adopted as part of the Council's Update process.

Table 1: City of Oak Grove Revised Forecasts

Year	Population	Household	Employment
2000	6903	2200	359
2010	9200	3000	520
2020	10300	3600	680
2030	11300	4100	820

(Note: Metropolitan Council forecasts are typically rounded to the nearest 10 or nearest 100.)

None of the 2030 households, population and employment will be served by a Metro Wastewater Disposal System within the 2030 planning horizon. Growth associated with the City's proposed 2030 forecasts will be predominantly north of the Rum River, and will be either unsewered or served by the "section 201" system at Lake George

*Advisory comment:*

- Employment forecasts by TAZ sum to 690 jobs in year 2020 whereas employment forecasts in the City-proposed forecast revision specify 675 jobs in 2020. The Council will revise the 2020 employment forecast to 680 jobs.

### 2030 Regional Development Framework and Land Use

*Reviewer: Susan Hoyt, CD – Local Planning Assistance (651-602-1330)*

*Regional Development Framework (RDF)*

The RDF designates Oak Grove as a Diversified Rural planning area. The RDF defines diversified rural as "rural communities that host the widest variety of farm and non farm land use patterns and include a limited amount of large lot residential and clustered housing with agricultural and other uses". As a Diversified Rural community, residential development is not to exceed a density of 1 unit/10 acres.

The Update acknowledges the community's Diversified Rural designation and requests that the Council consider re-designating a portion of the City as Rural Residential outside of the 2,680 acres (1,000+ net developable) for post 2030 MUSA (Figure 3). The RDF defines Rural Residential Areas as "immediately adjacent to Developing Areas and having large numbers of individual sewage treatment systems at densities of 2.5 acres or less". This designation is consistent with the City's historic land use patterns. The City's request is the result of Council and City discussions about the City's commitment to designating a future long term sewer service area (MUSA). Council staff recommends approving this change in planning area designations as part of the Update action.

*Land Use*

The City is 35 square miles. Approximately 50% of the land is in single family housing on 2.5 to 10 acre lots, 30% is in agricultural use and less than 2% is commercial and industrial use (Table 2). By 2030 the Update plans for a reduction in agricultural use to 11%, an increase in residential use to 67% and an industrial and a business park.

The Update designates a 2,680 acre area (1,000 + net developable acres) to the southeast of Cedar Creek for future MUSA to be served by the East Bethel Reclamation Plant and to be developed at a minimum residential density of 3 units per acre. This is consistent with Council long term sewer service area plans. The Update states that the City may consider requesting sanitary sewer service prior to 2030 if the development potential and wastewater service are available.

**Table 2: Existing Land Use**

Existing Land Use (Acreage) City of Oak Grove 2007		
	Acres	Percent of Total
Agriculture	6,809	30.08%
Residential		
Rural (2.5 – 10 acres)	10,994	48.56%
Single Family (less than 2.5 acres)	209	.92%
Medium Density	0	---
Multi-Family	7	.03%
Commercial-Industrial		
Commercial	88	.39%
Mixed Use	0	---
Business Park	0	---
Industrial	178	.79%
Public/Semi-Public		
Public/Semi-Public	636	2.81%
Parks and Recreation	1,433	6.33%
Railroad	84	.37%
Right-of-Way	1,397	6.17%
Open Waters	804	3.55%
<b>Total</b>	<b>22,640</b>	<b>100.0%</b>
Sources: NAC		

**Table 3: Future Land Use**

Oak Grove Planned Land Use in Five Year Stages						
Land Use	Existing	2010	2015	2020	2025	2030
Agriculture	6,809	5,966	5,122	4,274	3,427	2,582
Residential:						
Rural (2.5 – 10 acres)	10,994	11,838	12,682	13,526	14,370	15,214
Single Family (< 2.5 acres)	209	209	209	209	209	209
Medium Density	0	0	0	0	0	0
Multi-Family	7	7	7	7	7	7
Commercial-Industrial:						
Commercial (5.41 employees per developable acre)	88	92	96	101	105	110
Mixed Use (commercial – residential)	0	0	0	0	0	0
Business Park (5.41 employees per developable acre)	0	0	4	10	15	18
Industrial (5.41 employees per developable acre)	178	186	190	195	200	205
Public/Semi-Public:						
Public/Semi-Public	636	631	626	621	617	612
Parks and Recreation	1,433	1,426	1,419	1,412	1,405	1,398
Railroad	84	84	84	84	84	84
Right-of-Way	1,397	1,397	1,397	1,397	1,397	1,397
Open Waters	804	804	804	804	804	804
<b>TOTAL</b>	<b>22,640</b>	<b>22,640</b>	<b>22,640</b>	<b>22,640</b>	<b>22,640</b>	<b>22,640</b>
Wetlands	6,233	6,233	6,233	6,233	6,233	6,233
Source: NAC						



## *Residential Density*

1994 and 1998 Future Land Use. In the 1998 Plan the City was identified as a Permanent Rural Community.. Council policy requires the City to limit development at no more than 1 unit per 10 acres. Based upon a formula in the 1994 and 1998 plan for a specific number of new housing units to be permitted in the city, the City developed several plats at 1 unit per 2.5 acres through the Comprehensive Plan Amendment process. The Council's adoption of the 2005 Systems Statements (August 24, 2005) and an amendment to the *2030 Regional Water Resources Policy Plan (WRPP)* (August 22, 2007) superseded the 1994 and 1998 plans. Council representatives and the City met on several occasions to discuss the implications of these regional systems on the City's 2030 Update.

2030 Future Land Use. The Update provides for 2,680 acres (1,000+ net developable) for a long term service area bounded by Cedar Creek. The Update recognizes that this area will develop at an urban density of a minimum of 3 units/net developable acre. The Update guides the future MUSA at 1 unit per 10 acres to preserve land for future sewered development. The City proposes a clustering ordinance to accomplish the same goal. Any clustering ordinance would need to be consistent with the Council's *Flexible Residential Development Ordinance Guidelines for Diversified Rural Communities*. This is consistent with the Diversified Rural designation. Outside the MUSA, the Update is consistent with the Rural Residential densities of 1 unit per 2.5 acres with ISTS.

Post 2030 Future Land Use. The Update includes a post 2030 Future Land Use Plan. The post 2030 Future Land Use Plan includes the future long term sewer service area or MUSA. The post 2030 Future Land Use Plan is not reviewed as part of the 2030 Update because an updated plan will be required prior to 2030.

### *Advisory comments:*

- The City needs to provide the Council with its cluster ordinance for the Diversified Rural area (MUSA) before allowing any development other than 1 unit per 10/ acres.
- The City needs to participate in the plat monitoring program.
- The City needs to request a Comprehensive Plan Amendment for any pre-2030 development in the Urban Reserve or LTSA (MUSA).

## **Housing**

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

The Update fulfills the affordable housing planning requirements of the MLPA. The City does not have a numerical share of the region's affordable housing need. The Update provides for assessing the housing stock and for goals and policies to address local housing needs. The City adopted a resolution to ensure a mechanism is in place for evaluating and monitoring the condition of the housing stock (Attachment 2). The City permits home rehabilitation loans and/or grants to be made to low- or moderate-income residents through the Anoka County HRA and/or local lending institutions.

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

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

The Update is consistent with the *2030 Water Resources Management Policy Plan (WRMPP)* for ISTS. The City is served by the approximately 2,835 ISTS as of January 2009. The City ISTS Code Chapter 1004 is consistent with MPCA Rules and Council policy requirements. There are two '201 community drainfield' facilities serving a total of 50 homes along the west and northeast areas near

Lake George. The northeast area facility is not operating within MPCA permitted discharge standards. The City has proposed two preliminary corrective measures and will work with the MPCA to bring the facility into NPDES Permit compliance by July 2010.

### **Water Supply**

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

The Update is consistent with the Council's *2030 Water Resources Management Policy Plan* (WRMPP) for water supply

*Advisory comments:*

- The City needs to update the Water Supply Plan with population forecasts that are consistent with population forecasts in the Update.
- The City is encouraged to continue promoting conservation to reduce its residential per capita water use.

### **Resource Protection**

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

*Reviewer: Susan Hoyt, CD – Local Planning Assistance (651-602-1330)*

The Update contains a section on Historic Preservation as required by the MLPA.

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

*Reviewer: Susan Hoyt, CD – Local Planning Assistance (651-602-1330)*

The Update contains a section on Solar Access as required by the MLPA.

#### ***Aggregate Resources Protection***

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

The Update states that there are no viable aggregate resources within the community. *Minnesota Geological Survey information Circulate 46* concurs with this determination.

## **PLAN IMPLEMENTATION**

*Reviewer: Susan Hoyt, CD – Local Planning Assistance (651-602-1330)*

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

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

The Update includes a description of land use categories, the zoning code and capital improvement plan for the City.

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

The City submitted the 2030 Comprehensive Plan Update to adjacent local units of government, school districts, counties and special districts for comment on June 26, 2008. No compatibility issues with plans of adjacent governmental units ,affected special districts or school districts were indicated.

### **DOCUMENTS SUBMITTED FOR REVIEW**

- 2030 City of Oak Grove Comprehensive Plan Update
- Supplemental Information, January 20, 2009
- Letter to Phyllis Hanson, LPA Manager, CD, March 13, 2009
- Letter to Phyllis Hanson, LPA Manager, CD, May 1, 2009
- Supplemental information, May 8, 2009

### **ATTACHMENTS**

- |               |  |
|---------------|--|
| Figure 1:     | Location Map with Regional Systems                 |
| Figure 2:     | 2030 Regional Development Framework Planning Areas |
| Figure 3:     | Existing Land Use Map                              |
| Figure 4:     | 2030 Proposed Land Use Map                         |
| Attachment 1  | Metropolitan Council resolution 2007-15            |
| Attachment 2: | City of Oak Grove Resolution 00-35                 |

Figure 1. Location Map Showing Regional Systems  
**Oak Grove**

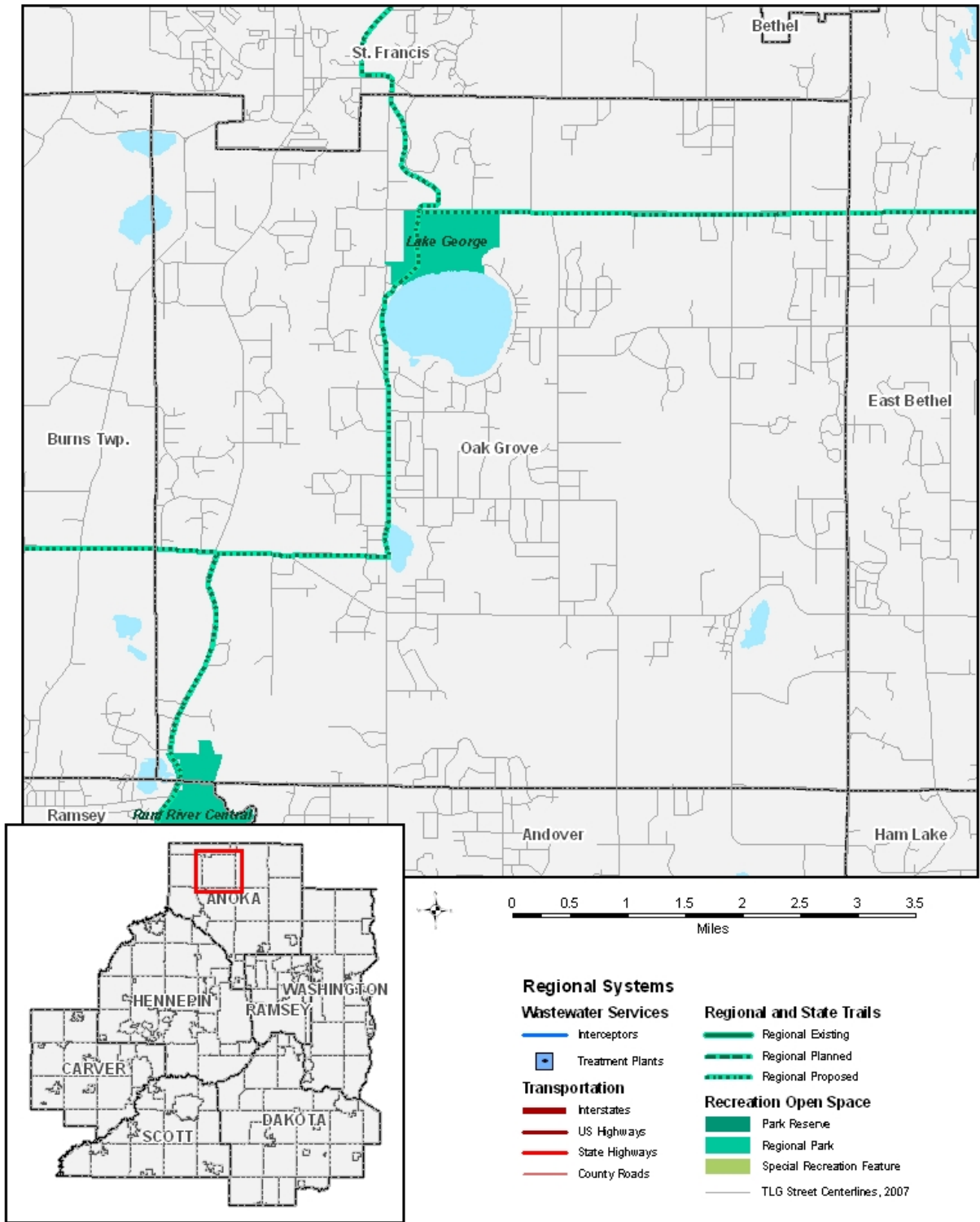


Figure 2. 2030 Regional Development Framework Planning Areas

**Oak Grove**

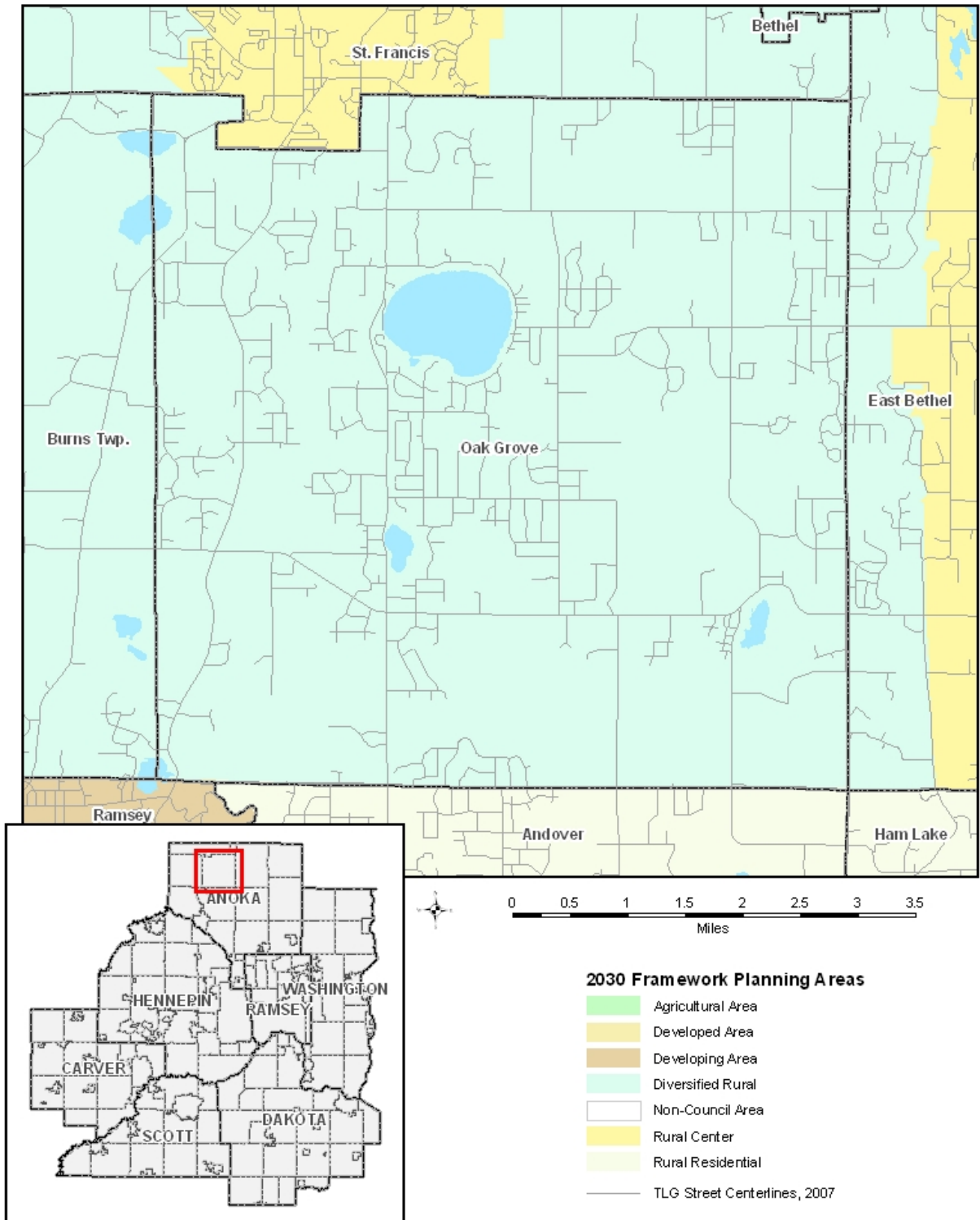


Figure 3. Existing Land Use  
City of Oak Grove

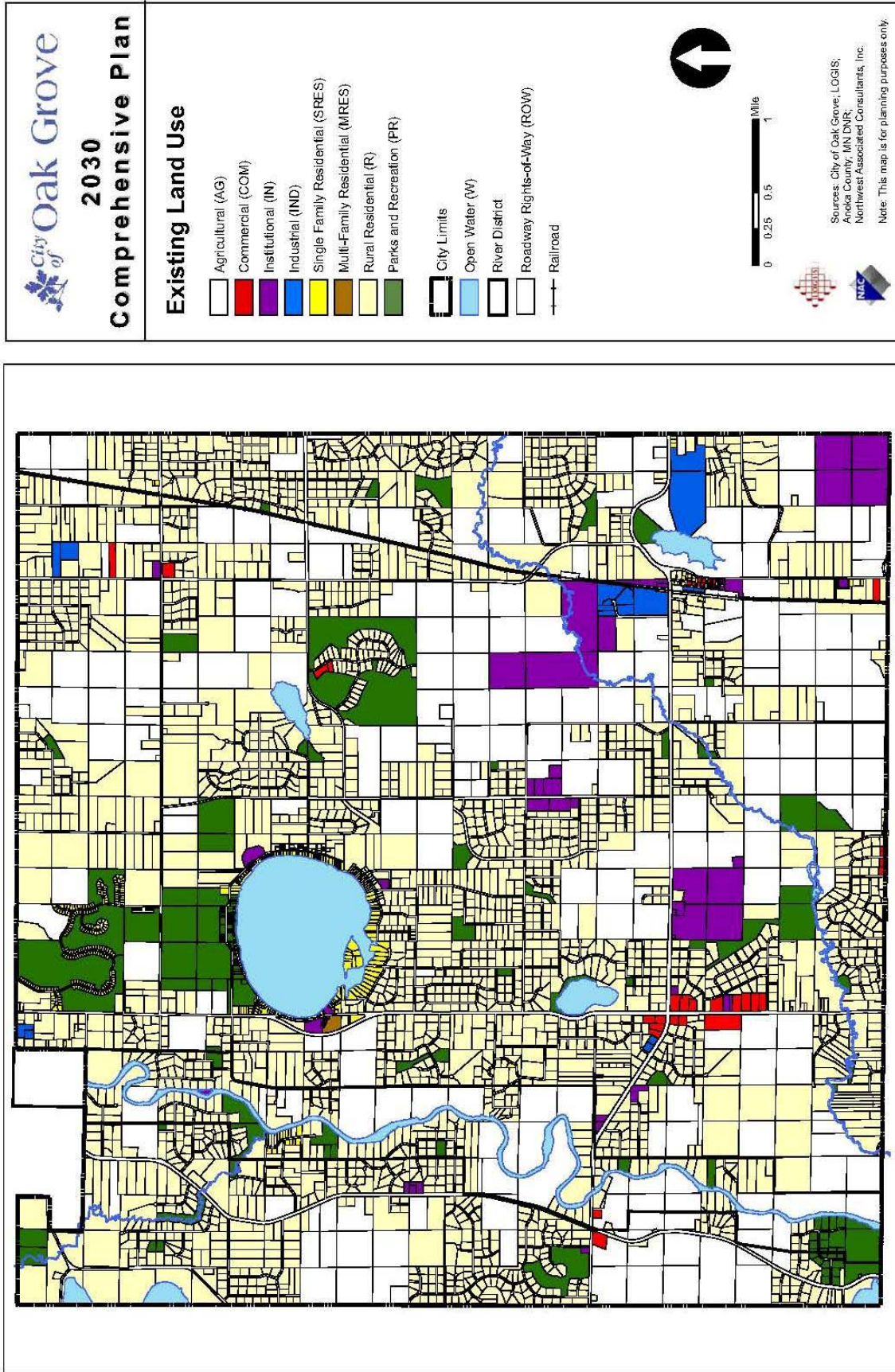
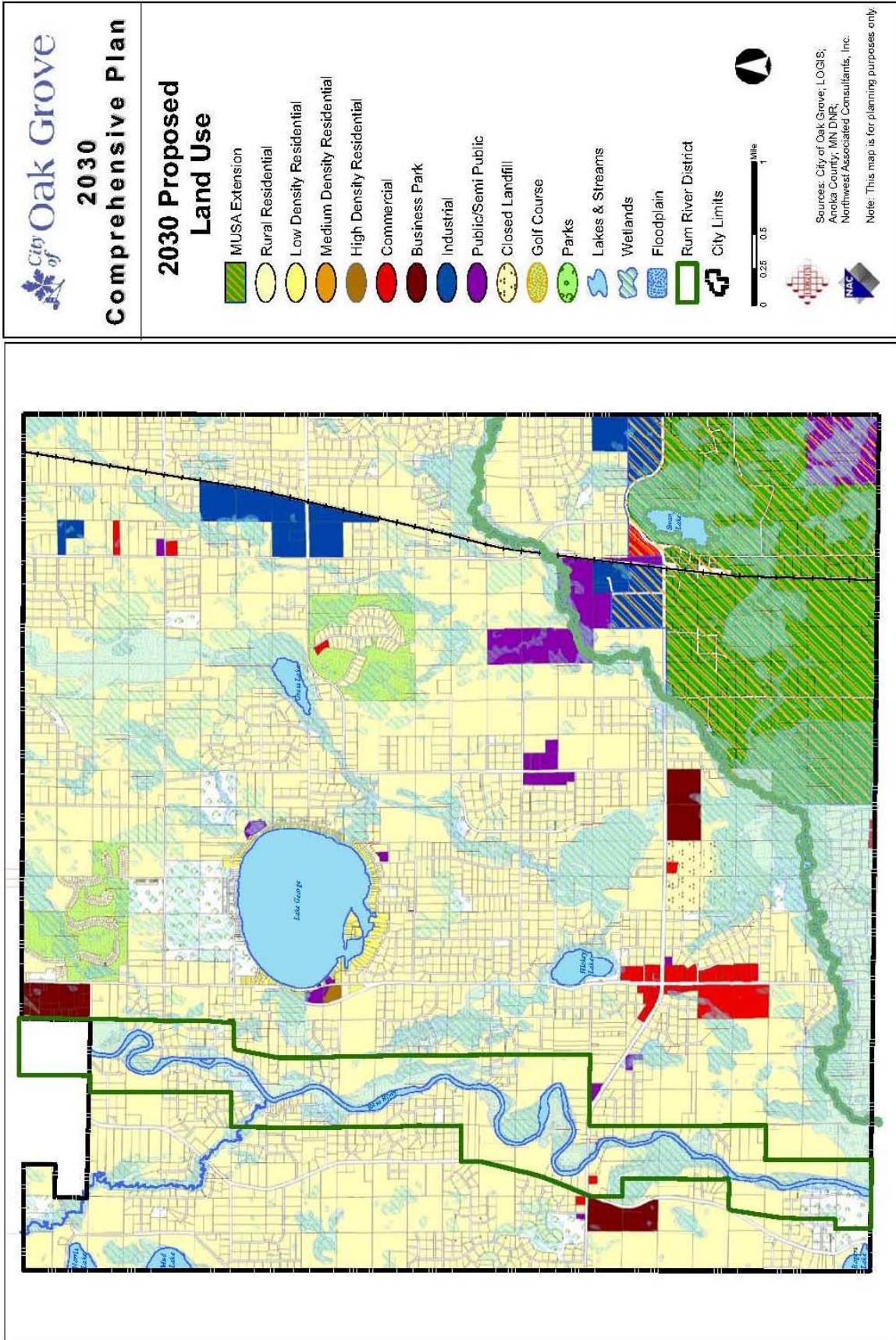




Figure 4. 2030 Future Land Use  
City of Oak Grove



**Attachment 1:  
Metropolitan Council Resolution 2007-15**

**METROPOLITAN COUNCIL**  
390 Robert Street North, Saint Paul, Minnesota 55101

**RESOLUTION NO. 2007-15**

**FINDING THE OAK GROVE COMPREHENSIVE PLAN AMENDMENT HAS A SUBSTANTIAL IMPACT ON AND CONTAINS A SUBSTANTIAL DEPARTURE FROM METROPOLITAN SYSTEM PLANS AND REQUIRING PLAN MODIFICATIONS TO ENSURE CONFORMITY WITH METROPOLITAN SYSTEM PLANS**

**WHEREAS**, Minnesota Statutes section 473.175 requires the Metropolitan Council (“Council”) to review comprehensive plans of local governmental units to determine their compatibility with each other and conformity with metropolitan system plans; and

**WHEREAS**, Minnesota Statutes section 473.175 authorizes the Council to require a local governmental unit to modify any comprehensive plan or part thereof if, upon the adoption of findings and a resolution, the Council concludes the plan is more likely than not to have a substantial impact on or contain a substantial departure from metropolitan system plans; and

**WHEREAS**, the City of Oak Grove (“City”) submitted to the Council for review a proposed comprehensive plan amendment identified as **Swan Lake Preserve**, Metropolitan Council Review File Review File No. 17096-23; and

**WHEREAS**, at the May 21, 2007 meeting of the Council’s Community Development Committee, the Council held a public hearing on the City’s comprehensive plan amendment, at which meeting staff presented a review report on the City’s proposed plan amendment; and

**WHEREAS**, based on its review and consideration of the City’s proposed comprehensive plan amendment and other planning documents, file documents, regional systems plans, Council staff report, public hearing comments and submissions, and other information in the record pertinent to the comprehensive plan amendment submitted by the City, the Council makes the following findings and conclusions:

**FINDINGS**

**Statutory Background**

1. Minnesota Statutes section 473.851 reflects the Legislature’s recognition that local governmental units within the metropolitan area are interdependent, that the growth and patterns of urbanization within the metropolitan area create the need for additional state, metropolitan and local public services and facilities and increase the danger of air and water pollution and water shortages, and that development in one local governmental unit may affect the provision of regional capital improvements for sewers, transportation, airports, water supply, and regional recreation open space.

2. Minnesota Statutes section 473.145 requires the Council to adopt a comprehensive development guide for the seven-county metropolitan area that must include policy statements,



goals, standards, programs, and maps prescribing guides for the orderly and economical development, public and private, of the metropolitan area.

3. Minnesota Statutes sections 473.146, 473.1465 and 473.147 require the Council to adopt long-range comprehensive policy plans for transportation, wastewater treatment and regional recreation open space.

4. Minnesota Statutes section 473.852 defines the policy plans and capital budgets for metropolitan wastewater service, transportation, and regional recreation open space as “metropolitan system plans.”

5. Minnesota Statutes section 473.852, subdivision 9 defines “official controls” or “controls” as “ordinances and rules which control the physical development of a city” that “implement the general objectives of the comprehensive plan,” including “ordinances establishing zoning, subdivision controls, site plan regulations, sanitary codes, building codes and official maps.”

6. Minnesota Statutes section 473.858, subdivision 1 requires metropolitan-area cities to prepare and adopt local comprehensive plans in accordance with the Metropolitan Land Planning Act. The Act prohibits cities from adopting any fiscal device or official control which conflicts with their local comprehensive plans or which permits activity in conflict with metropolitan system plans.

7. Minnesota Statutes section 473.856 requires governmental units to review its comprehensive plan and each affected school district shall review its capital improvement program to determine if an amendment is necessary to ensure continued conformity with metropolitan system plans. If an amendment is necessary, the governmental unit or school district shall prepare the amendment and submit it to the council for review pursuant to sections 462.355, subdivision 4, 473.175, and 473.851 to 473.871.

8. Minnesota Statutes section 473.854 requires the Council to “prepare and adopt guidelines and procedures relating to the requirements of sections 462.355, subdivision 4, 473.175, and [the Metropolitan Land Planning Act] which will provide assistance to local governmental units in accomplishing the provisions of sections 462.355, subdivision 4, 473.175, and [the Metropolitan Land Planning Act].” In 2005, the Council prepared and adopted a *Local Planning Handbook* that provides guidance to metropolitan-area cities on their planning obligations under the Metropolitan Land Planning Act.

### **Regional Policy**

9. The Council’s *2030 Regional Development Framework* identifies the City as a Diversified Rural community. The Framework states that the community’s role is to accommodate growth not to exceed forecasts, to cluster development not to exceed 1 unit per 10 acres, to plan development patterns that will protect natural resources, and to preserve areas where post-2030 growth can be provided with cost-effective and efficient urban infrastructure.

10. The Council's *2005 Water Resources Management Policy Plan* includes a "Long-Term Service Areas" map, showing northwest Anoka County as an area having "potential sewered development with rapid infiltration". It also states that future wastewater treatment systems in northwest Anoka County will need to provide a high level of treatment followed by rapid infiltration to groundwater. For example, a new sewered community could be developed along Highway 65 in East Bethel, or along Highway 47 in Burns Township and Oak Grove.

11. On September 12, 2005, the Council provided the City a system statement to the City, initiating the City's obligations to review and, as necessary, amend the comprehensive plan within the next three years. The system statement forecast a household increase of 2,600 units by 2010, 2,800 units by 2020, and 3,000 units by 2030.

### **City Comprehensive Planning and Post-2000 Development**

12. On January 26, 2000, the Council reviewed Oak Grove's 2020 comprehensive plan update, Review File No. 17096-1. The Council found the plan in conformity with the 1996 *Regional Blueprint* and the *Regional Growth Strategy*, and in conformity with the policy plans for Aviation, Recreation Open Space and Transportation.

13. Since 2000, the Metropolitan Council has reviewed approximately 15 Oak Grove comprehensive plan amendments regarding land from Agricultural, one unit per 10 acres to Single-Family Residential, one unit per 2.5 acres and affecting over 900 acres.

14. On March 20, 2006 the Council's Community Development Committee held a public hearing on three proposed comprehensive plan amendments regarding approximately 260 acres from Agricultural, one unit per 10 acres, to Single-Family Residential, one unit per 2.5 acres (Item 2006-48, Review files 17096- 16, 17096-17, 17096-18). The Council found that the proposed amendments did not conform to the 2005 Water Resources Management Policy Plan, and were 'more likely than not' representing a substantial departure from the regional wastewater system plan. On May 12, 2006, the City withdrew the three comprehensive plan amendments.

15. On June 9, 2006, the Council staff met with City staff to discuss the City's 2020 comprehensive plan, particularly the City's analysis of available residential land, and the potential residential units at a net, one per ten-acre density. The City staff agreed to identify the areas where these residential units be planned, ideally in areas contiguous to existing single-family residential development.

16. On December 13, 2006, the Metropolitan Council acted to advise the City that prior to submitting future comprehensive plan amendments for single-site residential development, the City must submit an amendment addressing the land use areas for the remaining 372 (residential) units based on the Metropolitan Council and the City staff meeting on June 9, 2006.

17. The Council received the City's proposed comprehensive plan amendment (Review File No. 17096-24) for review on November 16, 2006, and found the CPA complete for review on February 27, 2007.

### **Metropolitan System Plan Impacts and Departures**

18. The Council's *2005 Water Resources Management Policy Plan* indicates that local comprehensive plans and plan amendments that have substantial impacts on, or contain substantial departures from, the metropolitan wastewater system plan affect how the Council constructs, operates, and maintains the Metropolitan Disposal System (MDS) and can result in

system inefficiencies if the nonconforming plans are permitted to occur. “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 an under-utilization of the available or planned regional wastewater system capacity.” “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 sewer development.”

## CONCLUSIONS

1. The Council staff finds that the proposed CPA is inconsistent with the *2030 Regional Development Framework* policies for the Diversified Rural policy area, allowing development at a density that exceeds the Council’s policies and growth forecasts.
2. The City has reguided approximately 900 acres for single family residential development since 2000, at the average density of one unit per 2.5 acres.
3. The Council staff finds that the cumulative effect of the City’s plan amendment history may have a substantial impact on regional systems, and ultimately affect how metropolitan wastewater and other regional systems area planned, constructed and operated.
4. The Council’s *2005 Water Resources Management Policy Plan* indicates that a local governmental unit that plans to allow development at densities in rural areas (i.e., areas not currently served by public sewers) that exceeds Council policy, such as development on 2 1/2-acre lots, would preclude future economical sewer development.”

**NOW THEREFORE, BE IT RESOLVED** that the Metropolitan Council:

1. Adopt the Metropolitan Council staff report dated May 15, 2007, Item 2007-7.
2. Adopt Metropolitan Council Resolution No. 2007-15 requiring the City to modify its CPA to ensure that it is in conformance with the metropolitan system plans.

Adopted this 27<sup>th</sup> day of June 2007.

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Peter Bell, Chair

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Pat Curtiss, Recording Secretary

**RESOLUTION No. 00-35**

**CITY OF OAK GROVE  
COUNTY OF ANOKA  
STATE OF MINNESOTA**

**A RESOLUTION AFFIRMING OAK GROVE HAS A MECHANISM IN PLACE FOR EVALUATING AND MONITORING THE CONDITION OF THE HOUSING STOCK IN THE CITY AND THAT THE CITY PERMITS HOME REHABILITATION LOANS AND/OR GRANTS TO BE MADE TO ITS LOW OR MODERATE INCOME RESIDENTS THROUGH THE COUNTY HRA AND/OR LOCAL LENDING INSTITUTIONS.**

WHEREAS, it is deemed in the best interests of the City and property owners alike to have well maintained housing stock; and

WHEREAS, monitoring property may reveal conditions needing future attention before they become serious problems demanding immediate action at potentially larger costs; and

WHEREAS, Anoka County maintains information easily convertible to graphic form identifying the decade in which the structure was built; and

WHEREAS, based upon the structure age, one can make reasonable assumptions on what maintenance items generally require attention; and

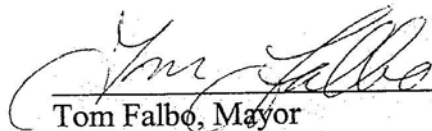
WHEREAS, windshield or other surveys could narrow the potential structures needing maintenance and concentrating informational efforts on those areas; and

WHEREAS, Oak Grove previously committed CDBG (Community Development Block Grant) funds to the Anoka County HRA (Housing and Rehabilitation Authority)

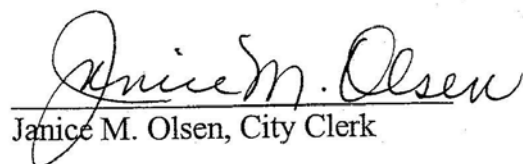
for home rehabilitation grants and loans made to low and moderate income residents and currently maintains this practice.

NOW, THEREFORE, BE IT RESOLVED, that the City of Oak Grove maintain the practice of allowing home rehabilitation grants and loans to low and moderate income residents through the Anoka County HRA, local lending institutions, or similar means, and adopt a mapping or similar mechanism for evaluating and monitoring the condition of the housing stock in Oak Grove.

Passed and adopted this 14<sup>th</sup> day of August, 2000.

  
\_\_\_\_\_  
Tom Falbo, Mayor

Attest:

  
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Janice M. Olsen, City Clerk