

E Environment Committee
Meeting date: June 23, 2009

C Community Development Committee
Meeting date: July 20, 2009

ADVISORY INFORMATION	
Subject:	City of Vermillion 2030 Comprehensive Plan Update Tier II Comprehensive Sewer Plan Review File No. 20461-1
District(s), Member(s):	District 16, Councilmember Wendy Wulff
Policy/Legal Reference:	Minnesota Statutes Section 473.175
Staff Prepared/Presented:	Patrick Boylan, Principal Reviewer, 651-602-1438 Phyllis Hanson, Local Planning Assistance Manager, (651-602-1566) Kyle Colvin, Engineering Services Asst. Manager, (651-602-1151)
Division/Department:	Community Development / Planning and Growth Management Environmental Services/ Engineering Services

Proposed Action

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

Recommendation of the Community Development Committee:

Authorize the City of Vermillion to put its 2030 Comprehensive Plan Update into effect

Recommendation of the Environment Committee:

Approve the City of Vermillion's Tier II Comprehensive Sewer Plan.

ADVISORY COMMENTS

City of Vermillion 2030 Comprehensive Plan Update and Tier II Comprehensive Sewer Plan Review File No. 20461-1 – Council Business Item No. 2009-218

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 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).

Environment Committee

1. The Council-approved Tier II Comprehensive Sewer Plan becomes effective only after the Update also receives final approval by the City’s governing body. After the Update receives final approval by the City and the Tier II Sewer Plan becomes effective, the City may implement its Update to alter, expand or improve its sewage disposal system consistent with the Council-approved Tier II Sewer Plan.
2. A copy of the City Council Resolution adopting its Update, including the Tier II Sewer Plan, must be submitted to the Council.

Background

The City of Vermillion (City) is located entirely within Vermillion Township in east central Dakota County (Figure 1).

The *2030 Regional Development Framework* (RDF), as adopted by the Metropolitan Council (Council) in January 2004, identified Vermillion as partially as a “rural center” and partially as an “agricultural area” geographic planning area in the *2030 Regional Development Framework* (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 Update conform to Regional Systems Plans?
2. Is the Update consistent with Metropolitan Council policies?
3. Is the Update 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
(Wastewater Services and Surface Water Management) | Yes |

Consistent with Council Policy Requirements:

- | | |
|---|-----|
| 1. Forecasts | Yes |
| 2. Housing | Yes |
| 3. 2030 Regional Development Framework and Land Use | Yes |
| 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 |
|--------------------------------|-----|

Known Support / Opposition

There is no known opposition.

REVIEW RECORD

City of Vermillion 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

Parks and Trails

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

The Update conforms to the *2030 Regional Parks Policy Plan* since it acknowledges the proposed Vermillion River Greenway Regional Trail. This regional trail will connect the planned Vermillion Highlands Regional Park in Empire Township to the proposed Mississippi River Regional Trail in Hastings.

Transportation

Roads and Transit

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

The Update conforms to the *2030 Transportation Policy Plan* and addresses all the applicable transportation and transit requirements of a comprehensive plan. There are no metropolitan highways located within the City of Vermillion and there are no planned improvements to the transportation system in Vermillion before 2030.

Vermillion lies within Transit Market Area IV. Service options for Market Area IV include dial-a-ride, volunteer driver programs, and ridesharing. General public dial-a-ride service is provided by Dakota Areas Resources and Transportation for Seniors (DARTS).

Aviation

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

The Update conforms with the *Aviation* policies in the *2030 Transportation Policy Plan*.

Water Resources Management

Wastewater Service (Vermillion)

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

The Update conforms with the *Water Resources Management Policy Plan (WRMPP)*. The Update summarizes the City’s vision for the next 20 years or to year 2030. It includes growth forecasts that are consistent with the Council’s recommended forecasts for population, households, and employment.

Current wastewater treatment services are provided by the City at a wastewater treatment plant (WWTP) owned and operated by the City. At this time the City is not requesting the Council to acquire the WWTP.

Vermillion is currently identified as a Rural Center in the Council’s Regional Development Framework.

The Update indicates that the City’s WWTP, has very little treatment capacity available for growth and has no current plans to expand it. Based on the City’s growth projections, and the small amount of growth represented in their Update, their wastewater treatment plant has sufficient capacity.

The Update provides sanitary flow projections in 5-year increments. The rationale, for the projections, is given in the Update and determined appropriate for planning for local services.

The Update outlines an I/I inspection program. In 2008, the City initiated its I/I investigation program which included televising the entire sanitary sewer collection system. Based on the televising results, and comparing the population currently served, to the average sewage flows to the WWTP; there does not appear to be any significant I/I sources in the system.

Tier II Comments

Council staff reviewed the Update’s Tier II Sewer Element against the Council’s requirements for Tier II Comprehensive Sewer Plans for Rural Centers, and found it complete and consistent with Council policies. The Council’s approval of the Tier II Plan becomes effective upon the City’s adoption of the Update. At that time, the City may alter, expand or improve its sewage disposal system consistent with the approved Tier II Sewer Plan. A copy of the City Council Resolution adopting the final Update needs to be submitted to the Metropolitan Council for its records.

Surface Water Management

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

The Update is consistent with the Council’s WRMPP for local surface water management. Vermillion lies within the Vermillion River watershed. The Vermillion River Joint Powers Board’s watershed management plan was approved by the Board of Water and Soil Resources (BWSR) in 2005. Vermillion was part of the Dakota County Rural Collaborative. The Dakota County Rural Collaborative was a joint partnership that prepared a local water management plan (LWMP) for 12 rural communities in the Vermillion River Watershed in 2008. Vermillion adopted the Dakota County Rural Collaborative Local Water Management Plan as its required LWMP in February 2009.

The LWMP was reviewed under separate cover. The LWMP was found to be consistent with Council policy and the Council’s WRMPP. The LWMP fulfills the Council’s requirements for local surface water management plans.

CONSISTENCY WITH COUNCIL POLICY

Forecasts

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

The Update is inconsistent but reasonable with Council forecasts. The Update proposes forecasts which are shown in the table below.

City of Vermillion’s preferred forecasts:

	2010	2020	2030
Households	165	168	170
Population	452	448	442
Employment	205	210	220

Council staff finds that these forecast revisions reasonable, and will recommend the above revisions to the Council for approval. These revisions would become official pending approval of the Plan Update by the Metropolitan Council.

2030 Regional Development Framework and Land Use

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

The Update is consistent with RDF policies for the “rural center” portion of Vermillion, and in the “agricultural area.” The City has guided enough residential land to accommodate the forecasts presented in the Update and the City restricts residential development in agricultural areas to one unit per 40 acres.

Vermillion is approximately 635 acres in size. As of 2007, the City was developed primarily as *Agriculture*, with 521 acres (63.5%). In 2007, there were also 61 acres (9.6%) of *Single Family Residential*, 7 acres (1.1%) of *Commercial* and 9.32 acres (1.5%) of *Public Institutional* land use. The City had 8.9 acres (1.4%) of *Parks and Recreation* land uses and 118 acres (18.7%) of *Wetland/Floodplain*. The City anticipates minor changes to its existing land use pattern from 2010 to 2030. See table below.

Land Use Category	Gross Acres	Wet Acres	Net Acres	Net % of Total
Agriculture (1 du/40 acres)	521.48	118.67	402.81	63.5%
Single Family Residential (2.5 to 8 du/acre)	60.89	-	60.89	9.6%
Multiple Family Residential (8 du/acre and over)	1.12	-	1.12	0.2%
Commercial	7.07	-	7.07	1.1%
Public Institutional	9.32	-	9.32	1.5%
Parks and Recreation	8.90	-	8.90	1.4%
Right-of-Way	25.43	-	25.43	4.0%
Wetland/Floodplain	-	-	118.67	18.7%
Totals	634.21	118.67	634.21	100%

Source: Vermillion Comprehensive Plan, Table 13, page 18

The City is forecasted to grow by 5 households between 2010 and 2030 with 10 less people. This is due to normal patterns of aging in a community where fewer persons per household are expected as the community ages. In 2010, Council forecasts 2.74 persons per household in the City; this is expected to drop to 2.6 persons by 2030.

In a rural center community such as Vermillion, growth will occur mainly through small increments. The City identified limited capacity of their municipal wastewater treatment plant.

Housing

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

The Update element is consistent with the affordable housing planning requirements of the Metropolitan Land Planning Act. The Update acknowledges the city’s share of the region’s 2011-2020 affordable housing need of 6 units. However, revisions to forecast numbers during the review process, resulted in a recalculation of the city’s housing need number to zero (0). The city may make this revision prior to final adoption of the Update. The Update provides an assessment of the housing stock, and provides goals and policies the city will use to address its local housing needs. The Update indicates the city will work with the Dakota County Community Development Agency (CDA), which 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.

Individual Sewage Treatment Systems (ISTS) Program

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

The Update is consistent with requirements for ISTS. The Update indicates that there are eight ISTS in operation in the City. The City has adopted Dakota County ISTS Ordinance #113, which is consistent with MPCA Rules and Council policies. Dakota County maintains maintenance management recordkeeping and ISTS owner notification for the City, and the City is responsible for review, permitting, inspections of new and existing ISTSs, and enforcement of maintenance management requirements. Violations, complaints, and potential system repairs are referred to the local Building Official for enforcement. If the Building Official cannot remedy violations and corrections through normal enforcement procedures, the matter is turned over to the City Attorney for prosecution.

Water Supply

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

The Update is consistent with the Council’s Water Resources Management Policy Plan for water supply.

Advisory Comment

The city calculated the residential per capita water use over the past 5 years to be 82 gallons per day, which is higher than the 2002 metropolitan average of 75 gallons per day. The city’s maximum day to average day is 3.06, which is higher than the metropolitan area benchmark of 2.6. The Council encourages development of conservation programs targeted at reducing residential outdoor water use, which should help to reduce the city’s maximum day to average day ratio.

Resource Protection

Historic Preservation

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

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

Solar Access Protection

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

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

Aggregate Resources Protection

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

The Update is consistent with requirements for aggregate resources. The Update indicates that there are two areas of commercial quality aggregate resources in the extreme northwest and southeast corners of the City illustrated in the Update. It further indicates that the resource areas are guided agricultural, which due to their low potential development density of home per 40 acres, will protect the areas for potential extraction into the future. The City has incorporated in the Update, a Natural Resources Goal to “Evaluate the potential for mineral extraction of high quality aggregate resources prior to development.

PLAN IMPLEMENTATION

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

The Update includes a description of:

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

The Update contains a description of zoning categories, a CIP summary and a description of the City's implementation tools.

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 in December 2006. No compatibility issues with plans of adjacent governmental units and plans of affected special districts and school districts were indicated.

DOCUMENTS SUBMITTED FOR REVIEW:

- City of Vermillion 2030 Comprehensive Plan, dated December 29, 2008
- Comprehensive Plan Transmittal form
- Supplemental Information, received May 8, 2009

ATTACHMENTS

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

Figure 1. Location Map Showing Regional Systems
Vermillion

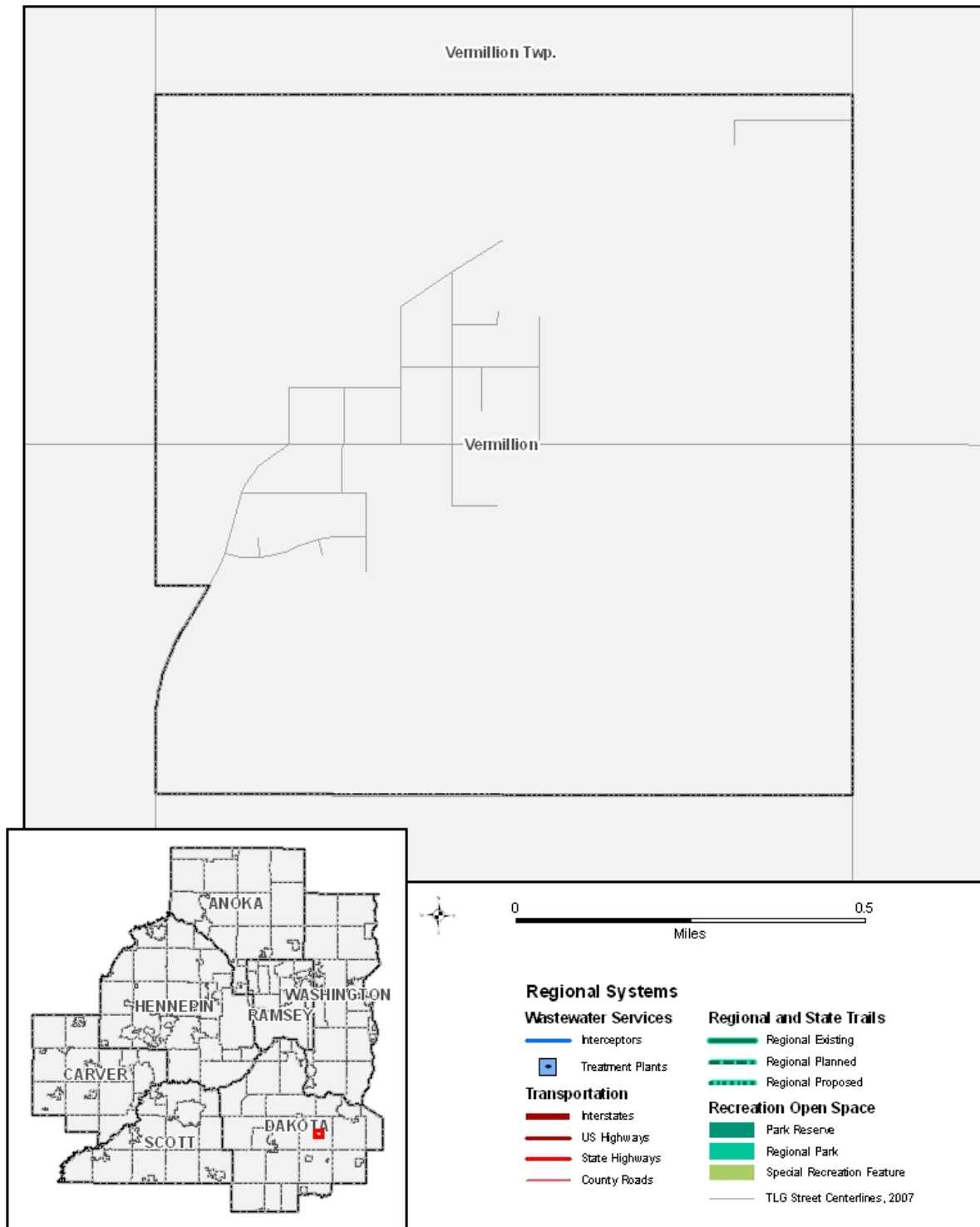


Figure 2. 2030 Regional Development Framework Planning Areas
Vermillion

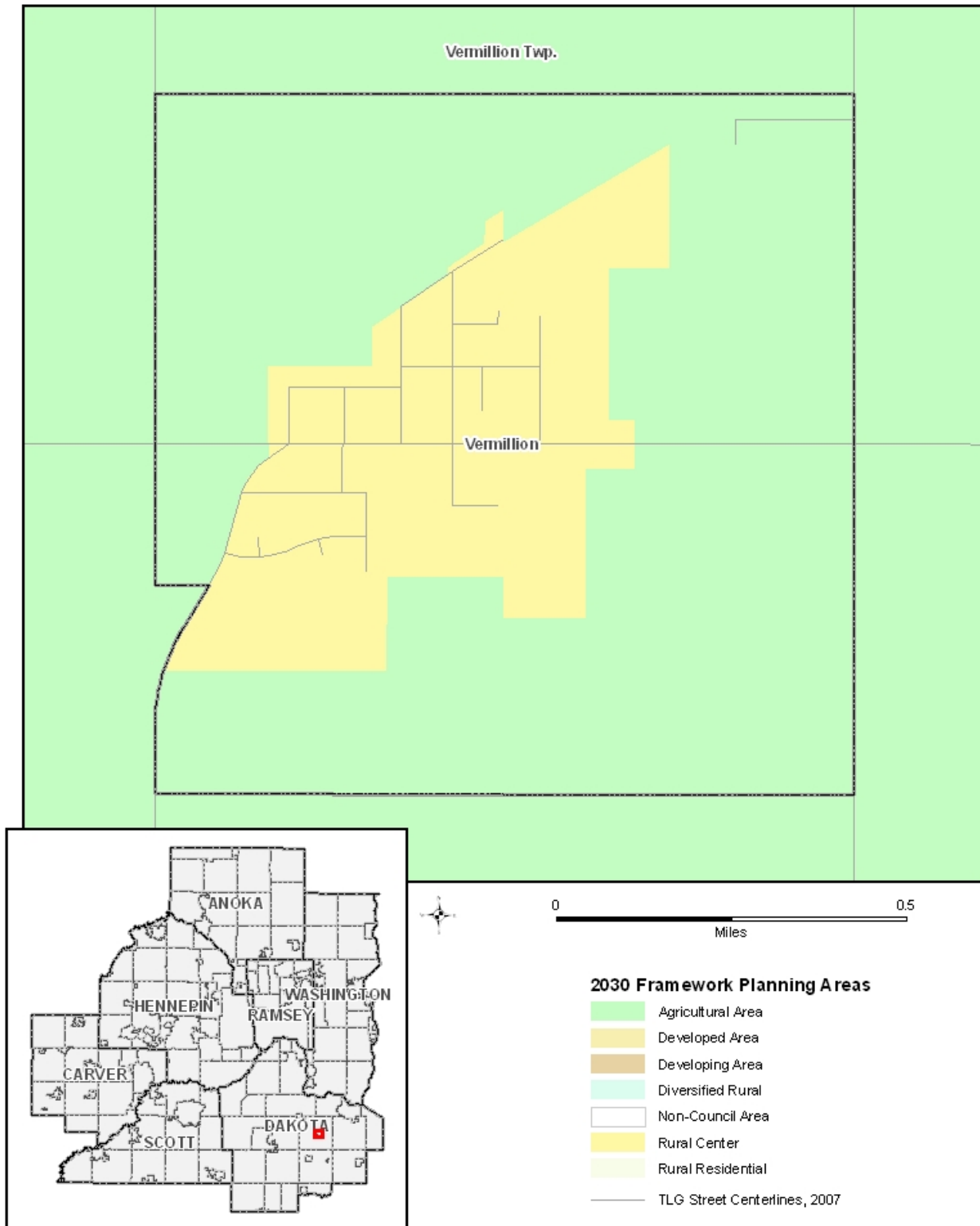


Figure 3. Existing Land Use
City of Vermillion

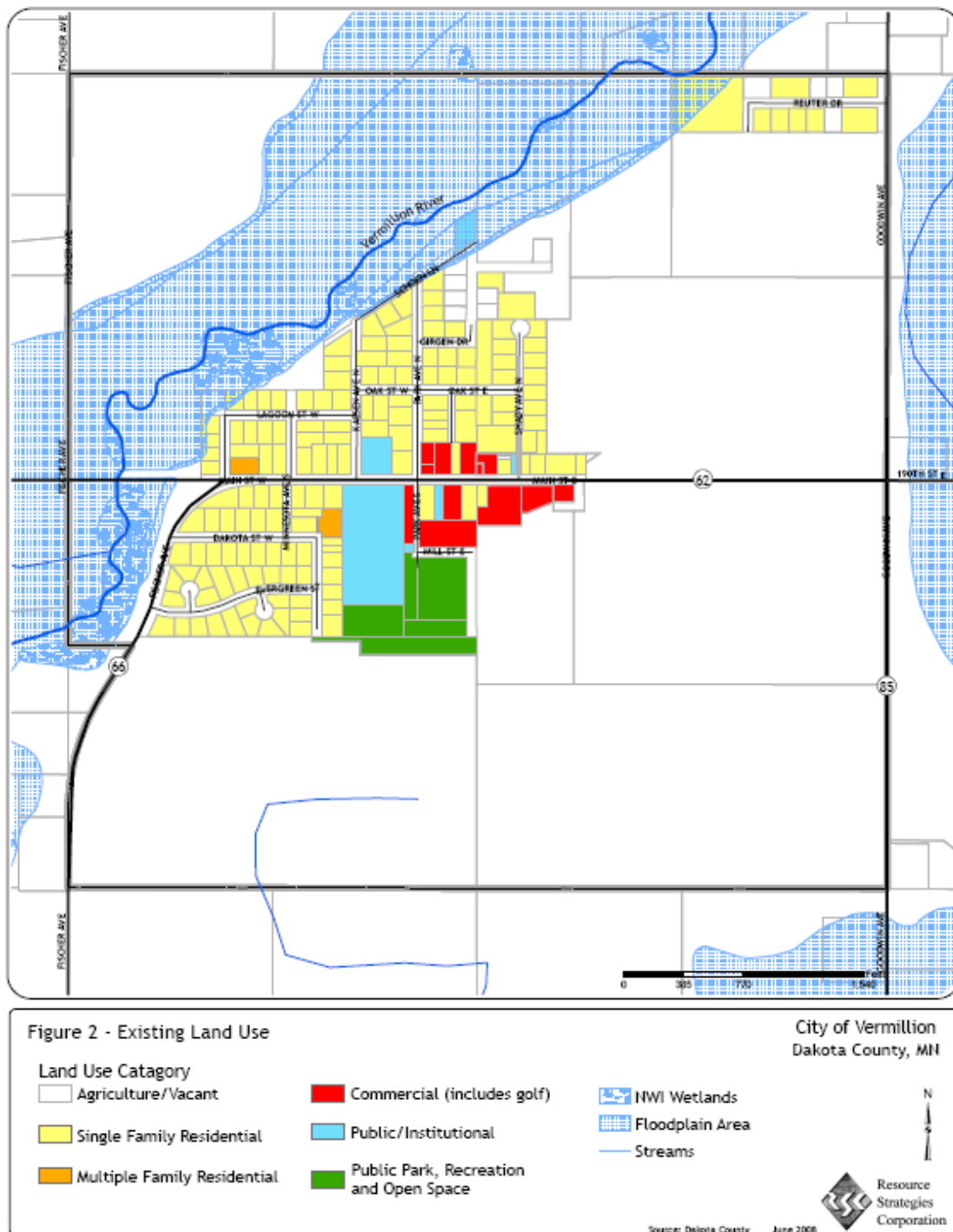


Figure 4. 2030 Planned Land Use
City of Vermillion

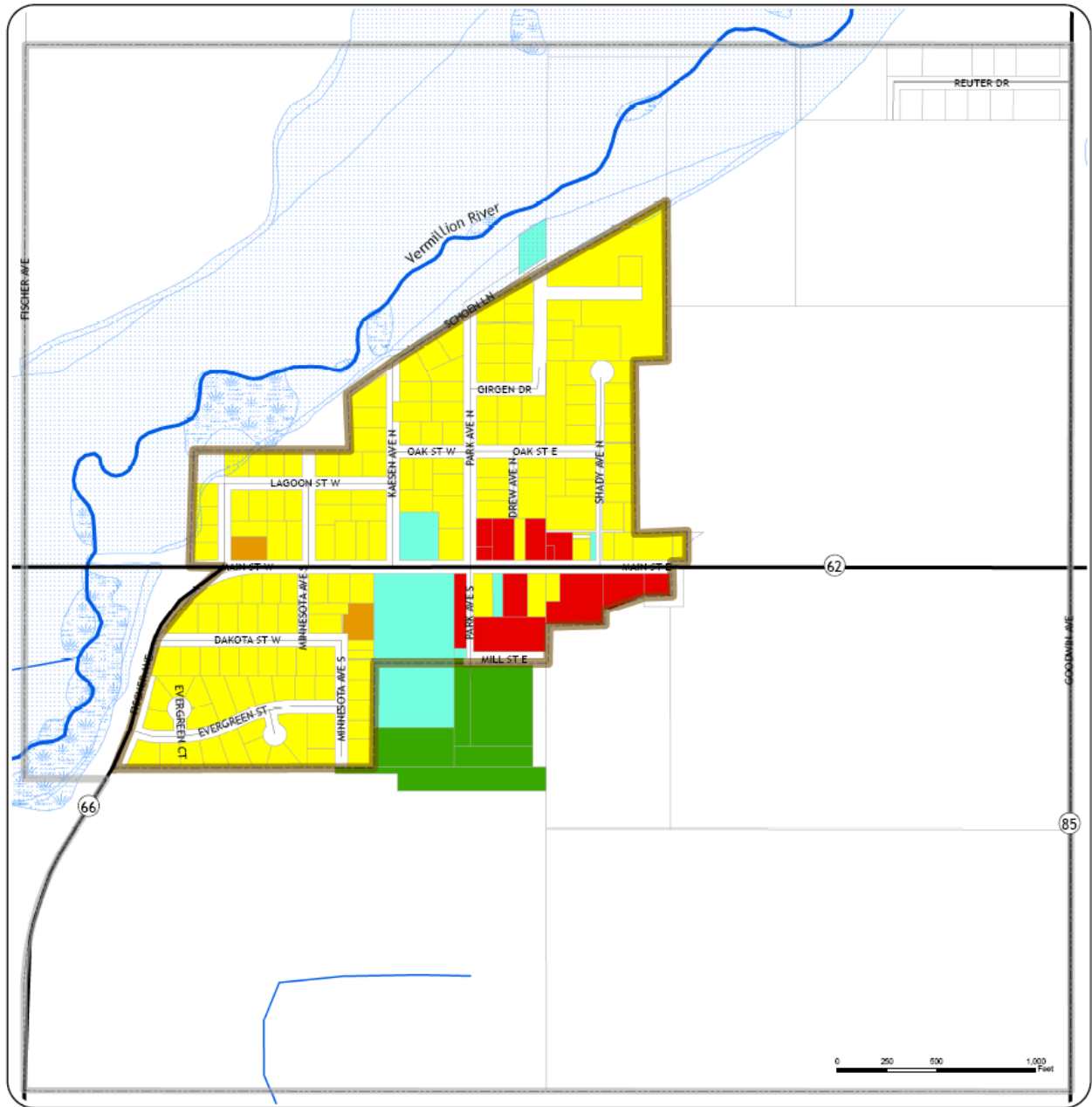


Figure 5 - 2030 Future Land Use

Land Use Category

- Agricultural (1 du per 40 acres)
- Single Family Residential (2.5 - 8 du/acre)
- Multiple Family Residential (8+ du/acre)

- Commercial
- Public/Institutional
- Park and Recreation
- Sewer District

- IWI Wetlands
- Floodplain Area
- Streams

City of Vermillion
Dakota County, MN



Source: Dakota County December 2008