

**C** Community Development Committee  
Meeting date: October 19, 2009

**E** Environment Committee  
Meeting date: October 13, 2009

ADVISORY INFORMATION	
Date:	October 1, 2009
Subject:	City of Jordan 2030 Comprehensive Plan Update Review File No. 20515-1 Tier II Comprehensive Sewer Plan
District(s), Member(s):	District 4, Councilmember Craig Peterson
Policy/Legal Reference:	Minnesota Statutes Section 473.175
Staff Prepared/Presented:	Tom Caswell, Principal Reviewer (651-602-1319) 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:

1. Authorize the City of Jordan to put its 2030 Comprehensive Plan Update into effect for areas within its current corporate limits.
2. Officially revise the Council forecasts to reflect the City's forecasts found on page 7 of this report.
3. Advise the City that it must submit Comprehensive Plan Amendments as it either annexes property, or when it enters into Orderly Annexation agreement with either of its surrounding townships.
4. Advise the City of Jordan that it is required to participate in the Council's plat monitoring program beginning in 2009 and must submit annual reports to the Council consistent with Council guidelines.

#### Recommendation of the Environment Committee:

1. Approve the City of Jordan's Tier II Comprehensive Sewer Plan for only those areas within the current corporate limits.
2. Advise the City that it must submit Amendments to its Tier II sewer plan as it either annexes property, or when it enters into Orderly Annexation agreements with either of its surrounding townships.

## ADVISORY COMMENTS

### City of Jordan 2030 Comprehensive Plan Update and Tier II Comprehensive Sewer Plan

Review File No. 20515-1– Council Business Item No. 2009-342

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 Jordan is located in Scott County, surrounded by the townships of Sand Creek, and St. Lawrence, (see Figure 1).

The *2030 Regional Development Framework* (RDF), as amended in December 2006, identifies the City as located within the "Rural Center" 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 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<br>(Wastewater Services and Surface Water Management) | Yes |

### Consistent with Council Policy Requirements:

- |   |  |
|---|--|
| 1. Forecasts  | No – <i>While the city agrees with Council forecasts for 2010 and 2020, its forecasts for 2030 are substantially higher than the Council's. These higher forecasts do not represent a substantial departure from or impact on regional system plans.</i> |
| 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 |
|--------------------------------|-----|

## Funding

The City of Jordan received a Local Planning Assistance Grant of \$20,000 in August 2007. The City also received a Local Planning Assistance Loan of \$25,000 in October 2007. These funds were used to assist in the preparation of the Update. Repayment of the loan is due in October 2009.

## Known Support / Opposition

The Council received comment letters from Sand Creek Township (attachment A), and the Jordan Area Visioning Alliance (JAVA) (attachment B). Both expressed concern over the

amount of land the City is planning to develop in adjacent townships. They were also concerned with the Scott County 2030 Plan and its potential impact on local farming in the area.

In response to those concerns, the County established a Farm Advisory Task Force. It is comprised of representatives of the various townships; two Scott County Commissioners; City representatives; County planning staff; and a representative of the University of Minnesota extension office to provide input to the County's long range comprehensive planning and implementation efforts.

# **REVIEW RECORD**

## **City of Jordan 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**

Park and Trails

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

The Update is in conformance with the *2030 Regional Parks Policy Plan (RPPP)*. It acknowledges the Southern Scott County Regional Trail Search Corridor, the Spring Lake Regional Trail Search Corridor, and the Carver County North/South Regional Trail Search Corridor. The City of Jordan will be a hub for these regional trails, which will provide connections to future regional parks in Scott and Carver counties.

#### **Transportation**

Roads and Transit

*Reviewer: Ann Braden (MTS-Systems Planning (651-602-1711))*

The transportation element of the Update is in conformance with the *Transportation Policy Plan (TPP)* adopted in 2004 and addresses all the applicable transportation and transit requirements of a comprehensive plan.

TH 169, a principal arterial that runs diagonally through the city provides a direct connection to I-494. The city has two "A" Minor connectors that carry traffic directly to TH 169. Jordan is outside the Metropolitan Transit Taxing District in Market Area IV.

Service options for Market Area IV include dial-a-ride, volunteer driver programs and ridesharing. Rural dial-a-ride service is provided by Scott County Transit.

**Aviation**

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

The Update is in conformance with the 2030 TTP (2004) for aviation and is consistent with Council aviation policies.

**Water Resources Management**

**Wastewater Service**

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

The Update is in conformance with the *Water Resources Management Policy Plan (WRMPP)*. The Update summarizes the City’s vision to the 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. Based on the growth projections in the Update, the WWTP has adequate capacity through 2020. Projects for improvements to the aeration basins, final clarifiers, and pretreatment facility have been identified for 2013, 2014, and 2015 respectively. The solids handling capacity of the WWTP is near capacity. Several options were identified in the Update that addressed this issue including investigating a post 2030 regional treatment option for their biosolids.

Jordan is currently identified as a Rural Center in the Council’s Regional Development Framework. The Update formally requests that its geographic planning designation be changed to a Rural Growth Center.

The Plan indicates that the City can not reach its 2030 growth projections without annexing portions of St. Lawrence and Sand Creek Township’s. Once agreements have been reached and executed, copies need to be submitted as amendment(s) to the City’s Plan. Until orderly annexation agreements are reached, and the City’s Plan is amended to reflect the extension of services to those portions of the Township(s) covered under the agreement(s), the Council will not recommend the Minnesota Pollution Control Agency approve any sanitary sewer extension requests for areas currently within the Township. 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 City’s Public Works Department monitors flows at the municipal wastewater treatment plant for any unusual activity which may be associated with infiltration. Less than 2% of the sanitary sewer system is older than 20 years. The City has an ordinance restricting the connection of sump pumps to the sanitary sewer system. This ordinance includes penalties for continued non-compliance with the ability to file misdemeanor charges.

**Tier II Comments**

The Tier II Sewer Element of the Update has been reviewed against the requirements for Tier II Comprehensive Sewer Plans for rural growth center communities. It was found to be complete and consistent with Council polices for those areas within the City’s corporate boundary. As additional land areas are annexed into the City, or when the City has

entered into orderly annexation agreements with St. Lawrence and Sand Creek Township's, the City will need to officially amend their comprehensive Tier II Sewer Plan to reflect the extension of sanitary sewer services to these areas.

Upon adoption of the Update by the City, the action of the Council to approve the Tier II Plan becomes effective. At that time, the City may implement its Update to alter, expand or improve its sewage disposal system consistent with the approved Tier II Sewer Plan. A copy of the City Council Resolution adopting its Plan needs to be submitted to the Metropolitan Council for its records.

**Surface Water Management**

*Reviewer: Judy Sventek, ES-Water Resources Assessment (651-601-1156)*

The Update is in conformance with the *WRMPP* for local surface water management. Jordan lies within the Scott County Watershed Management Organization. The Scott County Watershed Management Organization's management plan was approved by the Board of Water and Soil Resources in 2004. Jordan prepared a Surface Water Management Plan (SWMP) in 2006. This plan was reviewed under separate cover. The City revised the plan and prepared rules for implementing the SWMP in 2007.

**CONSISTENCY WITH COUNCIL POLICY**

**Forecasts**

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

The forecasts are consistent with Council forecasts for 2010 and 2020 but not 2030.

Council staff offered (letter of January 17, 2008) to include the following forecast revisions in the Update report and proposed action on the Comp Plan Update:

Table 2: Met Council Forecasts as Compared to the City's Plan

	2000		2010		2020		2030	
	Met Council	City	Met Council	City	Met Council	City	Met Council	City
<b>Population</b>	3,833	3,833	5,900	5,900	9,700	9,700	13,500	15,000
<b>Households</b>	1,349	1,349	2,150	2,150	3,700	3,700	5,200	6,000
<b>Employment</b>	1,264	1,264	2,000	1,985	2,700	2,690	3,400	3,400

The City's preferred 2030 alternative exceeds the Council's forecasts by +800 households and 1,500 population.

Advisory Comment

For transportation planning, Scott County and MnDot are advised to plan and program using the Met Council's forecasts: 5,200 households, 13,500 population, and 3,400 jobs in Jordan in 2030.

## Regional Development Framework and Land Use

Reviewer: Tom Caswell, CD-Local Planning Assistance (651-602-1319)

The Update is consistent with the 2030 Regional Development Framework (RDF), which designates Jordan as a Rural Center. Also consistent with the RDF, the Update requests that the City be recognized as a Rural Growth Center.

Rural Growth Centers are Rural Centers interested in growing. The RDF states that “the Council will use regional investments and incentives to help Rural Centers accommodate growth as an alternative to scattered development in the rural area.” The City owns and operates its own wastewater treatment plant, and has not requested funding from the Council other than the local planning assistance grant and loan.

Although the Update shows substantial development beyond the City’s current boundary, Jordan does not have orderly annexation agreements with the surrounding townships of Sand Creek and St. Lawrence.

Future growth in Jordan will occur both within its current corporate limits on its remaining 517 lots, and possibly in areas that may be annexed in the future. This planning is consistent with Scott County’s Comprehensive Plan for the township areas immediately surrounding Jordan. The County plan identifies these areas as Urban Expansion Area, and will be limit to a density of 1/40 until urban services become available.

The Update is consistent with the Council’s land use guidelines which expect Rural Growth Centers to develop at densities of 3 to 5 units per developable acre. Table 6-5 of the Update projects residential land demand in 5-year increments and indicates the City will average 3.3 units per net acre, or meet the Council’s policy of 3 units per net acre.

The table below illustrates the potential overall density based on both the minimum and maximum residential density allowed in each category. The difference in anticipated densities between the City and Council is that the City indicates average densities, while the Council calculates the minimum and maximum densities.

Category	Land Use Change from 2000-2030				
	Density Range		Net Acres	Min Units	Max Units
	Min	Max			
Single Family Residential	2.85	7	1011	2881	7077
Medium Density Residential	6	11.6	41	246	476
Manufactured Homes	7	8	0	0	0
	TOTALS		1052	2127	7553
	<b>Overall Density</b>			<b>3.0</b>	<b>7.2</b>

### Advisory Comment

The City will need to submit amendments to its Comprehensive Plan as areas are annexed, or when an orderly annexation agreement is entered into with either or both of the surrounding townships.



## **Housing**

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

The housing element of the Update fulfills the housing planning requirements of the Metropolitan Land Planning Act. The Update acknowledges the City's 114 unit share of the region's affordable housing need for 2011-2020. To provide opportunities to meet this need the Update indicates that 13 acres of land will be available for medium density residential development, at 6-11.6 units per acre. In addition, the City has preliminary plats approved for 132 higher density multifamily units that will be developed within the 2011-2020 time period. The Update provides the implementation tools and programs the City will use to promote opportunities to address its share of the region's housing need. The Update indicates the City will continue working with the Scott County Community Development Agency and Minnesota Housing to pursue opportunities and resources to maintain housing affordability in the community and to accommodate additional new affordable units. Some of the programs it's currently involved in, and will continue, include the Housing Rehabilitation Loan program, First Time Homebuyer Program, Conduit Bond Financing and the Rural Development 515 Project. Jordan is a participant in the LCA Local Housing Incentives Program.

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

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

The Update is consistent with the *WRMPP* for ISTS. The Update indicates that there are approximately 27 ISTS within the City limits. Responsibility for ISTS program oversight has been delegated to Scott County. The County's Individual/Community Sewage Treatment System Ordinance number 4, and its maintenance management program are consistent with MPCA Rules and Council policy requirements.

## **Water Supply**

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

The Update is consistent with the *WRMPP* for water supply. The population forecasts on page 19 of the water supply plan are not consistent with the population forecasts presented in Chapter 3, page 5 of the Update. The water supply plan should be amended so that the forecasts are consistent with those the City uses in the Update.

## **Resource Protection**

### ***Historic Preservation***

*Reviewer: Tom Caswell, CD-Local Planning Assistance (651-602-1319)*

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

### ***Solar Protection***

*Reviewer: Tom Caswell, CD-Local Planning Assistance (651-602-1319)*

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

### ***Aggregate Resource Protection***

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

The Update contains a section on aggregate resources protection as required by the MLPA. It identifies, consistent with *Minnesota Geological Survey Information Circular 46* information. The City indicates that there are no active mines within current City

boundaries, but there are two active or planning mining operations within proposed growth boundaries. These mines will operate under Condition Use permits which allow mining and land reclamation prior to future development.

## **PLAN IMPLEMENTATION**

*Reviewer: Tom Caswell, CD-Local Planning Assistance (651-602-1319)*

The Update includes a description of:

- Capital improvement Program Yes
- Zoning Code Yes
- ISTS (referenced) Yes
- Housing Implementation Programs Yes

The Update includes a description of the future land use categories and related residential densities, the zoning map and the capital improvement program.

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

The City submitted the draft Update to adjacent local units of government, school districts, counties and special districts for comment on July 31, 2008. The City received comments from Sand Creek Township and the Jordan Area Visioning Alliance (JAVA) (see attachments A and B). Although both oppose the Update, an advisory committee has been organized by Scott County to address the concerns of both entities. (See known opposition and support above).

## **DOCUMENTS SUBMITTED FOR REVIEW**

- The City of Jordan Comprehensive Plan Update, March 2, 2009
- Supplemental material, March 2, 2009
- Supplemental material, July 20, 2009

## **ATTACHMENTS**

- Figure 1: Location map of regional systems
- Figure 2: 2030 Regional Development Framework
- Figure 3: Existing Land Use Map
- Figure 4: 2030 Future Land Use Map

**Figure 1. Location Map Showing Regional Systems  
Jordan**

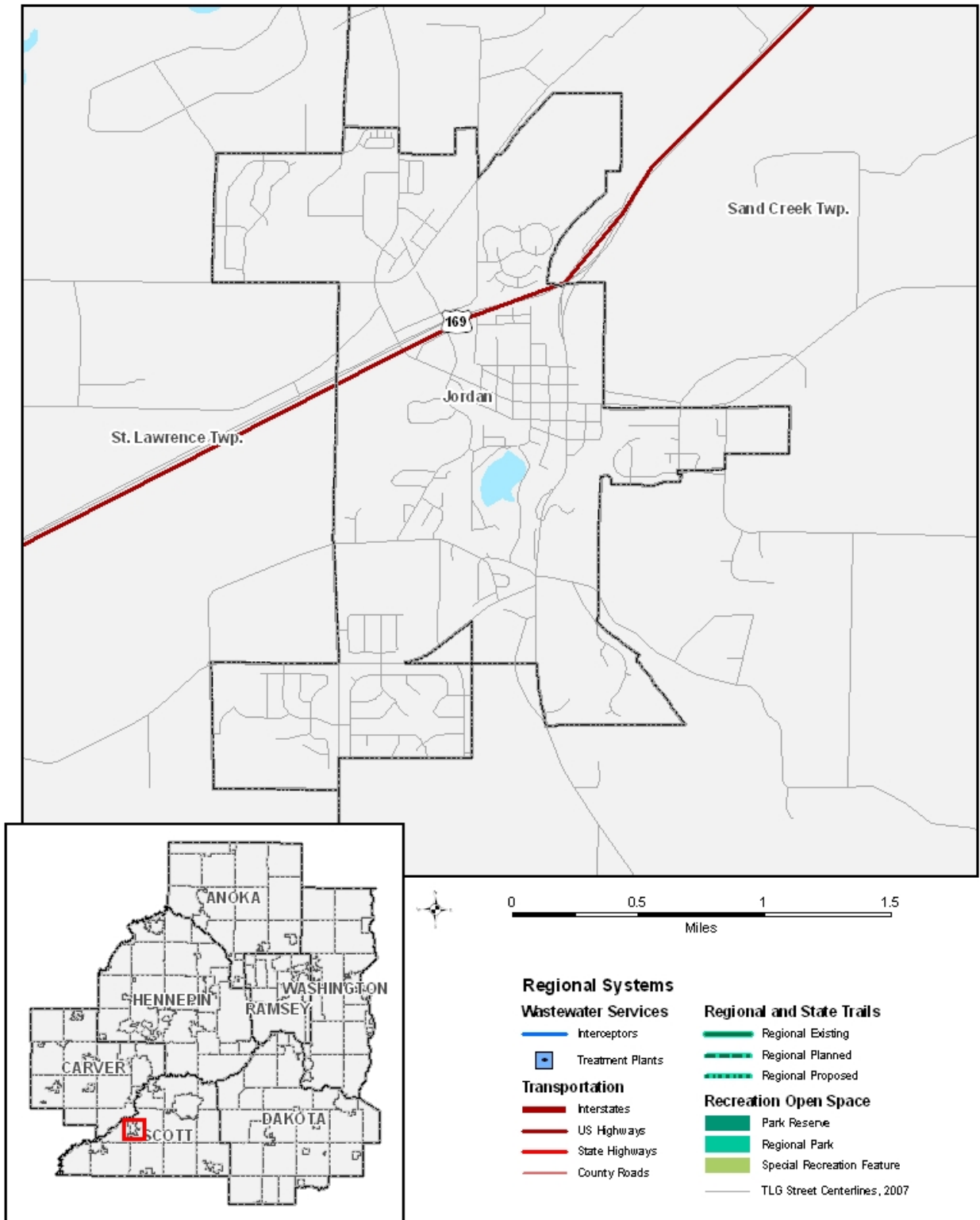
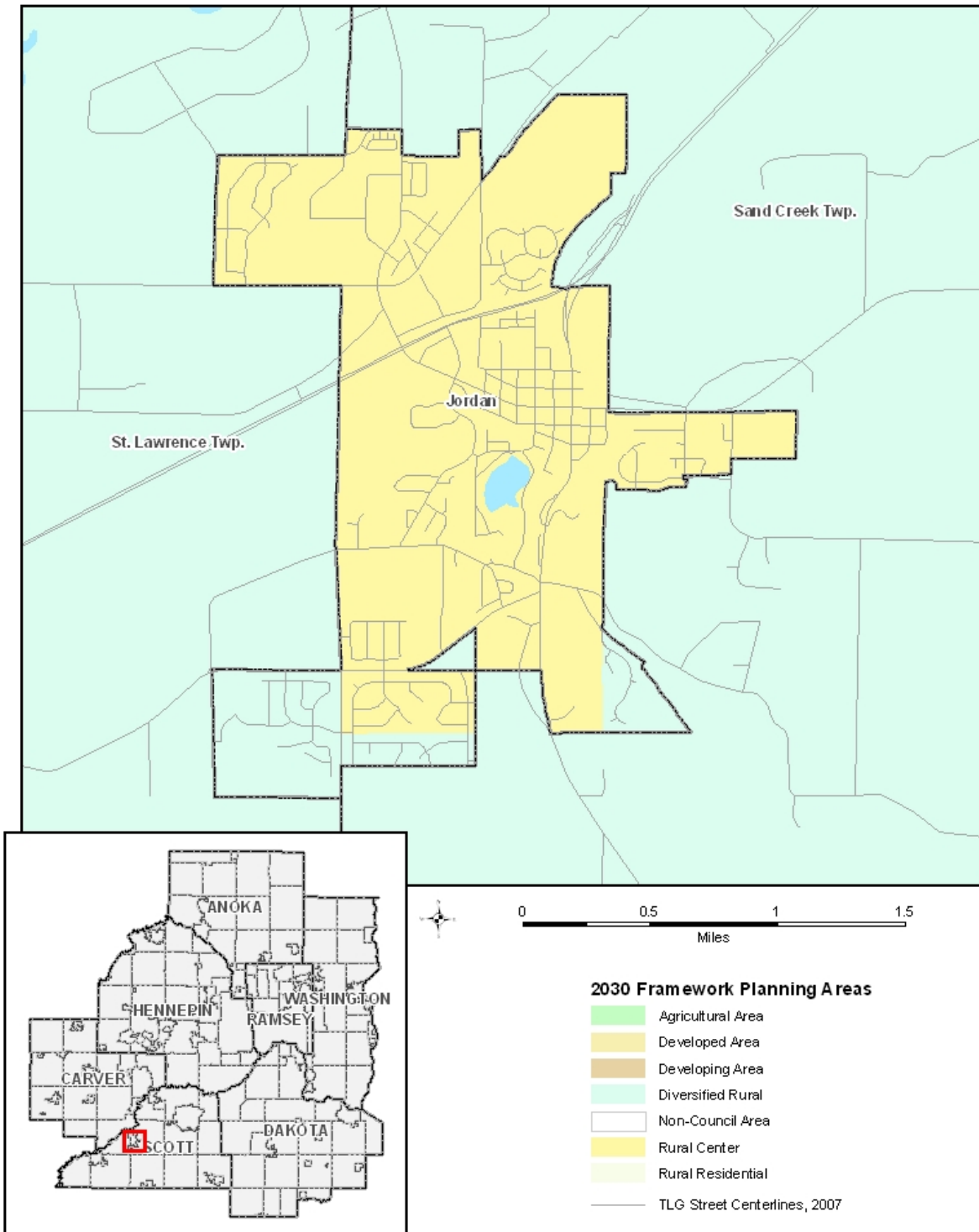


Figure 2. 2030 Regional Development Framework Planning Areas

### Jordan





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February 16, 2009

Mr. Cyril Wolf, Chairman  
Sand Creek Town Board  
Scott County, Minnesota  
4326 Country Trail West  
Jordan, Minnesota 55352

Re: Response to the City of Jordan  
2030 Comprehensive Guide Plan

Dear Cy,

This letter is sent in response to the letter prepared by Joanne Foust, Municipal Development Group dated February 10, 2009. The Jordan Planning Commission sent Ms. Foust's letter to Mr. Joe Janis, City Planner for information and consideration.

Ms. Foust's letter responded minimally to the criteria, which we listed as essential in the review to the proposed 2030 Comprehensive Guide Plan for the City of Jordan. Generally, what was omitted was a sincere effort to craft a truly comprehensive plan that balances the needs of the City and at the same time addressed the edges and margins of the City with the surrounding Township of Sand Creek, Scott County, Minnesota.

We must restate from our letter of January 29, 2009 (attached) the four "glowing issues... summarized below as being indicators of an inadequate Comp Plan, they are:

1. Immediately establish and maintain direct and continuous consideration, cooperation, consultation, and communication as provided for in an Orderly Annexation Agreement between the City of Jordan and Sand Creek Township.
2. Develop a comprehensive staged plan for the realistic City of Jordan's expansion in contiguous areas of Sand Creek Township through the provisions of the Orderly Annexation Agreement without 'leap frog' land 'grab'.

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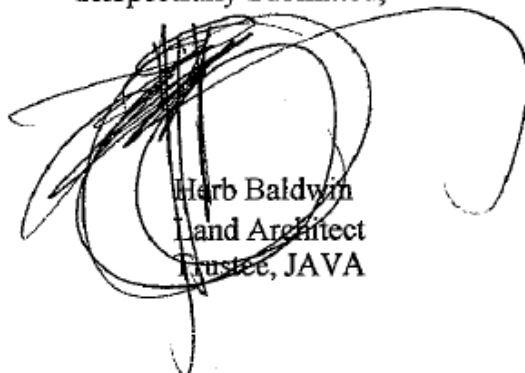
3. Provide appropriate language in the Jordan 2030 Comp Plan and subsequent ordinances that effectively preserves Agricultural Land Use, protects and preserves soils of statewide significance and includes farming of all scales of operation including the 'Right to Farm'.
4. Refine Jordan's 2030 Comp Plan into a truly comprehensive, original, and appropriate document specifically crafted for the City of Jordan including the preservation and protection of Natural Resources, reasonable Land Use, practical and in-scale Infrastructure solutions and responsible Societal provisions."

We understand that the Town Board of Sand Creek Township has been cooperative and willing, now and as in the past, to work with the City of Jordan to establish an Orderly Annexation Agreement. We recommend that the Town Board continue its efforts and commitment to communicate and cooperate with the City of Jordan.

Furthermore, we recommend that the Town Board of Sand Creek Township also refocus their attention on the Draft 2030 Comprehensive Plan (Comp Plan) of Scott County, Minnesota. You should seek to refine and revise as necessary the County's 2030 Comp Plan provisions and to provide adequate and effective land uses that define, preserve natural resources, protect land with soils of statewide significance and include Agriculture as an appropriate land use surrounding the City of Jordan and in outlying areas in the County.

Lastly, we recommend that you again reject the City of Jordan's 2030 Comprehensive Guide Plan and forward the Board's opinion in writing to Scott County and the Metropolitan Council.

Respectfully Submitted,



Herb Baldwin  
Landscape Architect  
Trustee, JAVA



Charles E. Wood  
Landscape Architect  
Trustee, JAVA

**SCT  
SAND CREEK TOWNSHIP  
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Jordan, MN 55352  
952-492-3122  
Dtauer1@comcast.net**

January 27, 2009

Joe Janish, Senior Planner  
City of Jordan  
210 East First Street  
Jordan, MN 55352

RE: Response to Jordan 2030 Comprehensive Plan

Dear Mr. Janish,

Thank you for the opportunity to review and comment on the City of Jordan's Draft 2030 Comprehensive Plan. The Sand Creek Township Board members have completed their review of the City's draft and want to make the following comments:

\*The City has no Orderly Annexation Agreement with Sand Creek Township. No discussions of future plans have been made.

\*The City is being overly aggressive with the future growth areas. The Township would like further explanation for the area around the eastern part.

\*The Township requests the removal of the Sand Creek Estates from the City's growth plan.

\*Further clarification should be completed on the transportation plan especially around the 282/169 corridor.

\*More planning for the future businesses as well as future transportation planning.

\*Growth within the City has been slow and should not be "staking claim" to land before it is needed.

\*The City already has land which it can not serve. Correct this situation before moving out for more.

\*Further clarification of the flood control adjacent to #282 and Morlock Dr.

\*A staging of land growth in smaller sections would be advised to help Township residents to plan for their futures not just the City's future.

\*The Township would appreciate more communications and cooperation with the City of Jordan.

Sincerely,

Sand Creek Township

cc: Brad Davis, Scott County (via e-mail)  
Joanne Foust, Municipal Development Group (via e-mail)  
Tom Caswell, Metropolitan Council