

C Community Development Committee

Meeting date: April 18, 2011

ADVISORY INFORMATION

Subject: City of New Trier 2030 Comprehensive Plan Update
Review File No. 20752-1

District(s), Member(s): District 16, Councilmember Wendy Wulff

Policy/Legal Reference: Minnesota Statutes Section 473.175

Staff: Patrick Boylan, Principal Reviewer (651-602-1438)

Prepared/Presented: Phyllis Hanson, Local Planning Assistance Manager (651-602-1566)

Division/Department: Community Development/Planning and Growth Management

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 New Trier to put its 2030 Comprehensive Plan Update into effect.
2. Adopt the advisory comments and recommendations in the Transportation, Surface Water Management, SSTS, and Water Supply sections.

ADVISORY COMMENTS

City of New Trier 2030 Comprehensive Plan Update

Review File No. 20752-1- Council Business Item No. 2011-107

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

Background

The City of New Trier (City) is located completely within Hampton Township in east central Dakota County (Figure 1). The *2030 Regional Development Framework* (RDF), adopted by the Metropolitan Council (Council) in January 2004, identified the City of New Trier as a “diversified rural center” and “agricultural” geographic planning areas.

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. Forecast | 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 New Trier 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 is in conformance with the *2030 Regional Parks Policy Plan*. There are no existing or planned regional park system facilities in New Trier.

Transportation

Roads and Transit

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

The Update is in conformance with the *2030 Transportation Policy Plan (TPP)* and addresses all the applicable transportation and transit requirements of a comprehensive plan in the *2030 Transportation Policy Plan (TPP)*; however, there are some inconsistencies that should be corrected.

The Update indicates that there are no metropolitan highways located in New Trier and there are no planned improvements to the transportation system in New Trier before 2030. The City 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).

Roadway Functional Classification inconsistency: The Transportation Map on page 47 shows the incorrect functional classification of Hogan Avenue both north and south of Highway 50, making the map inconsistent with the text on page 48.

Advisory Comments

Map #20 on page 47 should show Hogan Avenue to the south of Highway 50 to be a Major Collector. The map also needs to show Hogan Avenue north of Highway 50 as a "Local" street rather than as a "collector."

Aviation

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

The Update conforms with Aviation policies in the *TPP*.

Water Resources Management

Wastewater Service

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

The Update is in conformance with the *2030 Water Resources Management Policy Plan*.

The Update represents the City's guide for future growth and development through the year 2030. The City is entirely provided wastewater service through the use of private wastewater systems, or Individual Septic Treatment Systems (ISTS'). The Plan indicates continued wastewater services will be provided through the use of ISTS' through 2030.

The City's plan does not propose nor anticipates requesting connection to the Regional Wastewater Disposal system within the 20-year planning period. Therefore the City is not required to submit for approval of a Tier II Comprehensive Sanitary Sewer Plan.

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 is consistent with the *2030 Water Resources Management Policy Plan (WRMPP)* for local surface water management. New Trier lies within the North Cannon River watershed. The North Cannon River Watershed Management Organization's watershed management plan was approved by the Board of Water and Soil Resources in 2003.

The Update states that the City adopted the North Cannon River Watershed Management Organization's watershed management plan as their required LWMP. The Update also includes additional information as required by the WRMPP for the local surface water management plan section. Therefore, the Update has been found to be consistent with Council policy and the Council's WRMPP.

Advisory Comment

The Update indicates the City will be adopting two ordinances within 180 days of plan approval to deal with storm water management and wetland management. The City needs to send the Council copies of these ordinances when they are adopted.

CONSISTENCY WITH COUNCIL POLICY

Forecasts

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

The Update is consistent with Council policy.

Forecasts are included in the Plan Update. The Plan acknowledges “The City of New Trier has specifically adopted the Metropolitan Council population and household forecast templates for its future planning, and the detailed tables can be found in the appendix.”

The City’s plan revises 2030 employment. Council staff find this revision reasonable and acceptable. Metropolitan Council’s forecast for New Trier will be revised as follows:

Table 1. Metropolitan Council Forecast

	2000	2010	2020	2030
Population	116	120	120	120
Households	31	30	30	30
Employment	30	50	50	50

2030 Regional Development Framework and Land Use

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

With the supplemental materials received on February 3, 2011, the Update is consistent with the *2030 Regional Development Framework (RDF)*, which designates the City as both “Diversified Rural” and a very small portion as “Agricultural.”

Diversified Rural areas are directed to accommodate growth not to exceed forecasts, plan development patterns that will protect natural resources and preserve areas where post-2030 growth can be provided with cost-effective and efficient urban infrastructure and accommodate growth without requiring the provision of regional urban services, not to exceed one residential unit per ten acres.

Agricultural areas are directed to protect prime land for cultivation and not to exceed one residential unit per forty acres.

The majority of land within the corporate limits is designated as “agricultural / open space” at just under 80 acres (67.7%) while “low density residential” land uses consist of approximately 23 acres (19.4%) and “public / semi public / institutional” is 11 acres (9.6%). The remainder of land in the City is designated as: “high density residential” (1.4%); “commercial” (1.7%); and “industrial” (0.2%).

**City of New Trier Existing Land Use
Existing Acres
Table 1**

Land Use	Existing Acres	Percentage of Total
Agriculture / Open Space District	79.58	67.7%
Low Density Residential	22.78	19.4%
High Density Residential – Multi-Family	1.67	1.4%
Commercial District	2.01	1.7%
Industrial District	0.24	0.2%
Railroad	0.0	0.0%
Public / Semi Public/Institutional	11.26	9.6%
Total - Developed	117.54	100%

Source: Yeager Colby Associates

Forecasts for the City do not propose new residential growth, but the Update does show where possible new residential plats could be developed.

Housing

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

The Update is consistent with regional policy. The housing element fulfills the affordable housing planning requirements of the Metropolitan Land Planning Act.

New Trier is a community that does not have a numerical share of the regional need of affordable housing. The Update provides an assessment of the housing stock, and provides goals and strategies the city will use to address its local housing needs. The Update indicates the city will work with the Dakota County Community Development Agency 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.

Subsurface Sewage Treatment Systems (SSTS)

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

The Update is not consistent with the *2030 Water Resources Management Policy Plan* for SSTS. It indicates that the entire City - an estimated 34 residential and 6 commercial users are served by SSTS. Dakota County maintains maintenance management recordkeeping and SSTS owner notification for the City, and the City is responsible for review, permitting, inspections of new and existing ISTS, and enforcement of maintenance management requirements.

The City utilizes their contract building inspector to oversee installation of new SSTS construction, compliant with County and State codes. The City does not however, have either a current SSTS Ordinance or an adequate enforcement program in place to insure that owners carry out required maintenance on their systems in response to notifications provided by the County. Fiscal constraints are cited as the reason for failure to incorporate proper enforcement components into the City's SSTS program. The City has identified its need to adopt an SSTS Ordinance as a necessary implementation strategy in the Update but has not provided a date by when it expects to be compliant.

Recommendation

The City will need to draft and adopt a new local SSTS ordinance incorporating recent MPCA 7080-7081 Rule revisions (which was due November 2010 for consistency with MN Stat. 115.55). Dakota County adopted their newly revised septic system ordinance (Ordinance 113) in November 2009. Council staff recommends that the City either adopt the Dakota County ISTS Ordinance by reference or the MPCA model ordinance at its earliest convenience to meet this MPCA Rule and Council policy requirement.

Advisory Comment

The text on page 34 states that the City will endeavor to implement adoption of an SSTS ordinance "consistent with Dakota County's Ordinance #50". County Ordinance #50 is their Shoreland and Floodplain Ordinance; #113 is their SSTS Ordinance. This reference should be corrected in the final Update.

Water Supply

Reviewer: Chris Elvrum, ES – Water Supply Planning, (651-602-1066)

The Update is complete but the following are issues that should be addressed. There is a discrepancy between metered water use and total water use reported to the DNR. The metered sales are approximately half of what is reported to the DNR. The City should follow through and determine what is causing the discrepancy which could include a significant volume of water being lost.

The plan states that records are not available to evaluate seasonal and peak water demands and that the city plans to set up procedures to document this use in the future. The City should follow through to better understand how much water is being used on peak days to help focus conservation and emergency planning efforts.

Also, the Update presents conflicting per capita demand information. The City should determine which records are accurate for per capita use and ensure that accurate water use data in the future is being collected to ensure supplies are being used wisely.

The Update states that the City has not implemented a water conservation education program. The Council recommends the city provide some basic water conservation education messages through whatever means are feasible.

Advisory Comment:

The City needs to determine how much water is being used and develop conservation programs.

Resource Protection

Aggregate Resources Protection

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

The Update is consistent with Council policy. The Update indicates, consistent with *Minnesota Geological Survey Information Circular 46* data, that there are no primary aggregate resources present within the community. The Update states however, that there are secondary gravel resources present in the northern portion of the City that might be allowed to be mined by conditional use permit, as long as long-term plans for the sites remain consistent with those presented in the City's comprehensive plan.

Agricultural Preserves

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

New Trier does not have any parcels enrolled in the Agricultural Preserves Program under the Metropolitan Agricultural Preserves Act.

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. The Update has specifically singled out an architectural jewel: St. Mary's Church, which is listed on the National Register of Historic Places

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.

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 on April 28, 2010, and school districts, counties and special districts for comment on June 29, 2010. 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 New Trier 2030 Comprehensive Plan, dated May 24, 2010.
- Comprehensive Plan Transmittal form.
- Supplemental Information, received February 3 2011.

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

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**Figure 1. Location Map Showing Regional Systems
New Trier**

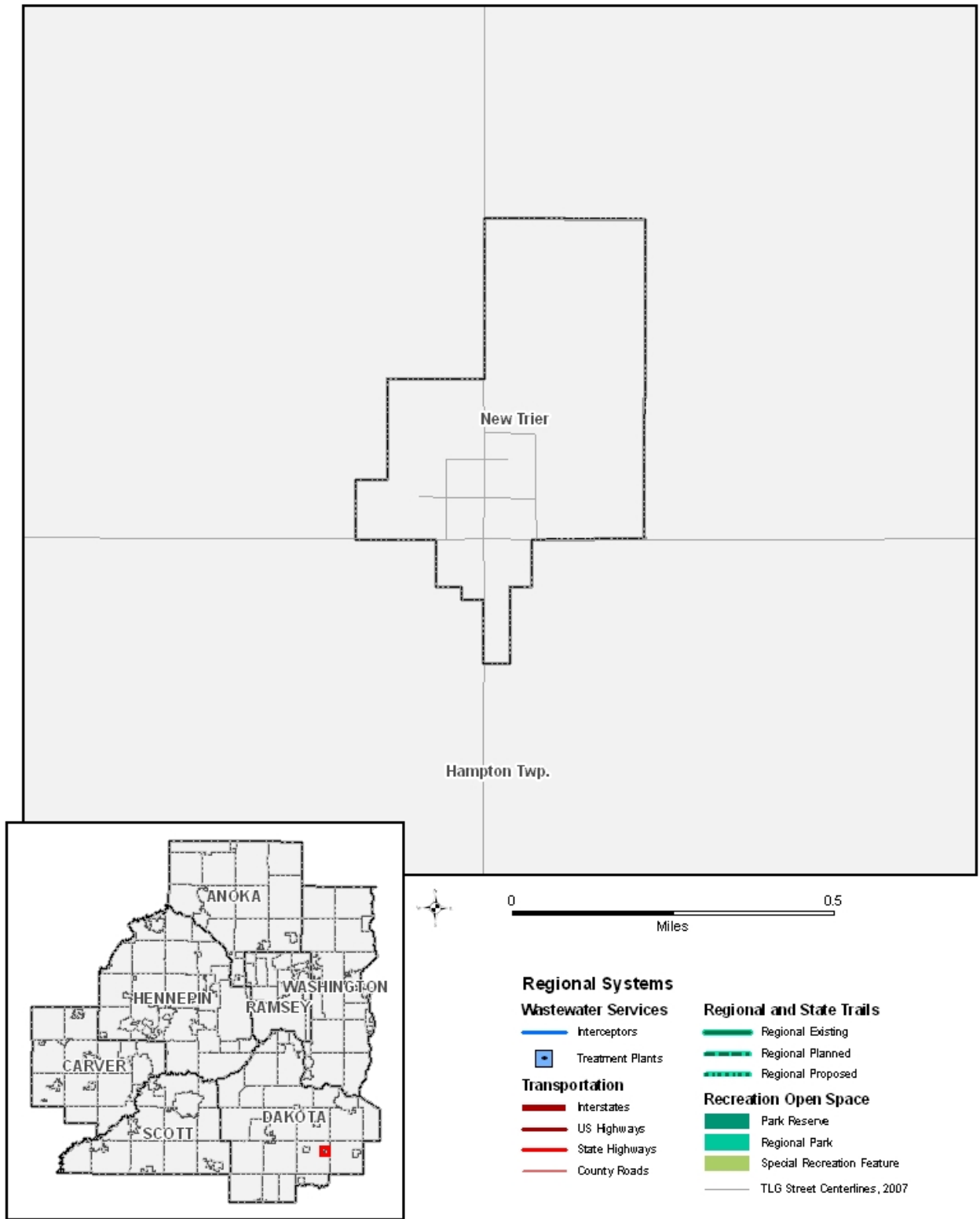


Figure 2. 2030 Regional Development Framework Planning Areas

New Trier

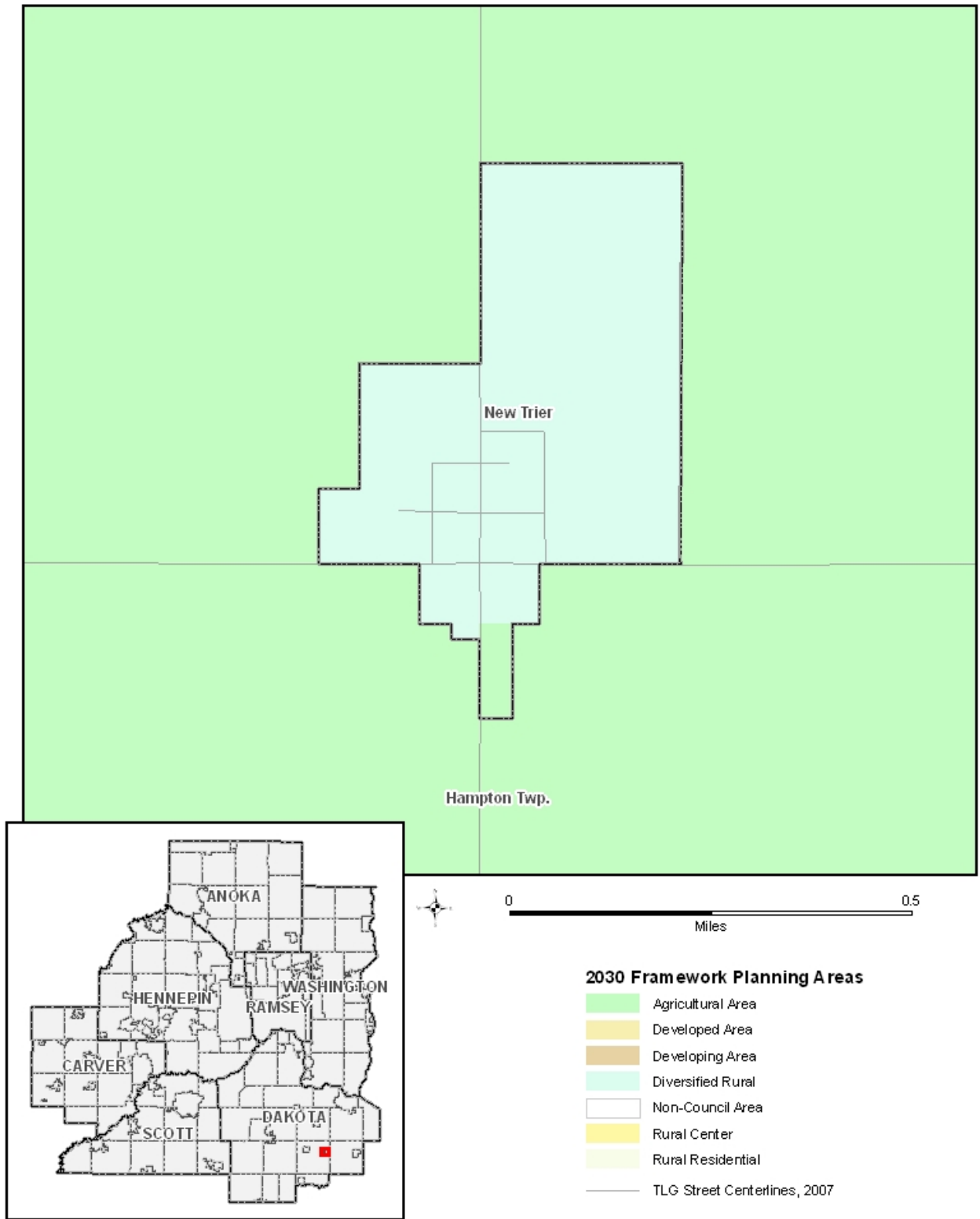


Figure 3. Existing Land Use
City of New Trier

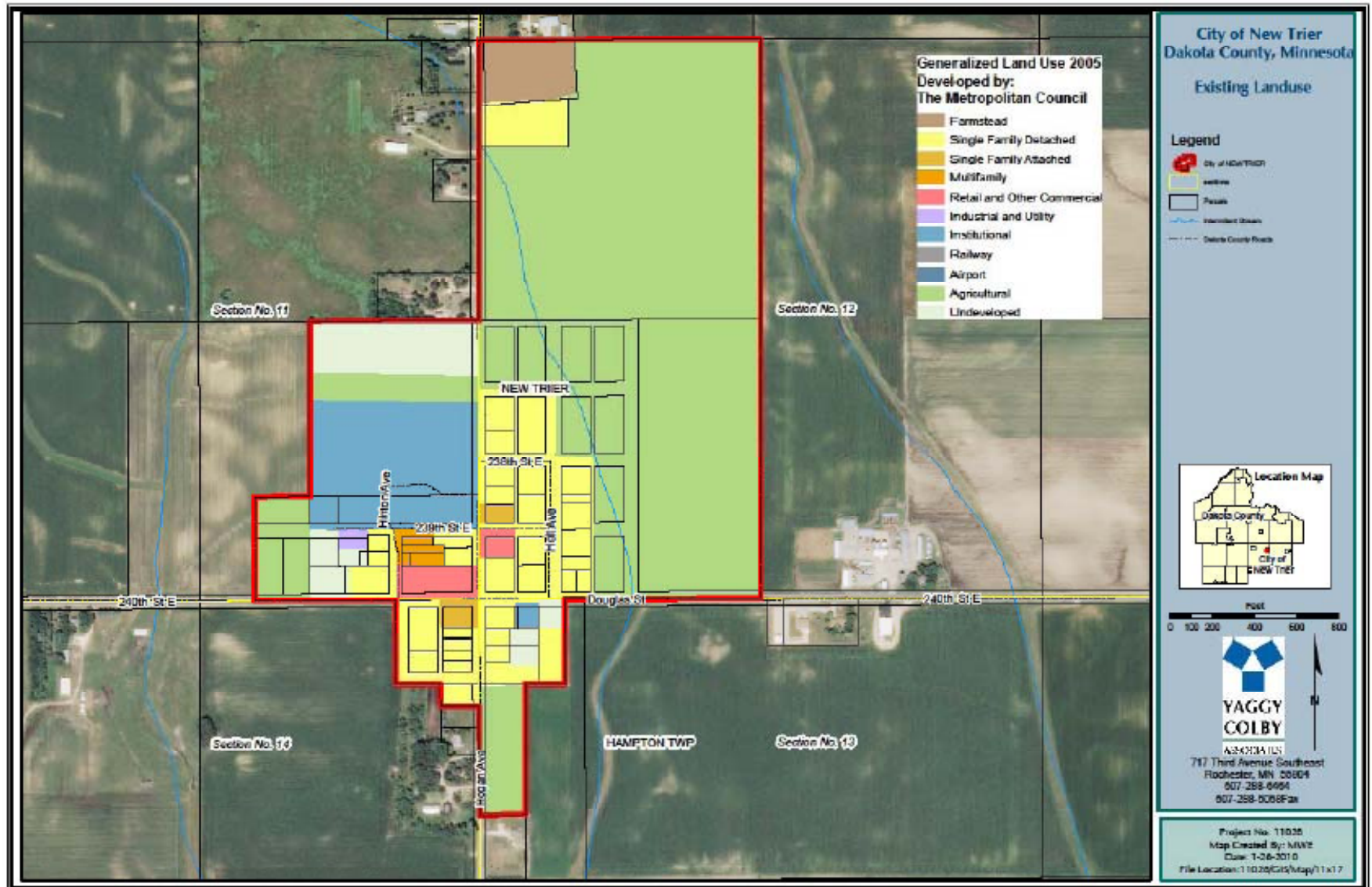


Figure 4. 2030 Planned Land Use
 City of New Trier

