

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 27th day of June 2007.

Peter Bell, Chair

Pat Curtiss, Recording Secretary