

**C** Community Development Committee  
For the Metropolitan Council meeting of February 13, 2008

Item: 2008-4

**ADVISORY INFORMATION**

**Subject:** Empire Township - Review File No. 18028-11  
Comprehensive Plan Amendment: Mineral Extraction Overlay

**Proposed Action**

- 1) Allow the City to put the comprehensive plan amendment into effect.
- 2) Require the Township to submit to the Council all annual monitoring reports as detailed in the February 2007 "*Groundwater and Surface Water Monitoring Plan*" by Barr Engineering.

**Summary of Committee Discussion / Questions:**

Patrick Boylan presented the item before the Committee. There was no discussion.



# Community Development Committee

Business Item

Item: 2008-4

Meeting date: January 22, 2008

## ADVISORY INFORMATION

<b>Subject:</b>	Empire Township - Review File No. 18028-11 Comprehensive Plan Amendment; Mineral Extraction Overlay
<b>District(s), Member(s):</b>	Brian McDaniel, District 16
<b>Policy/Legal Reference:</b>	Minn. §473.859
<b>Staff</b>	Patrick Boylan, Principal Reviewer (651-602-1438)
<b>Prepared/Presented:</b>	Guy Peterson, Community Development Division Director (651-602-1306)
<b>Division/Department:</b>	Community Development / Planning and Growth Management

### Proposed Action

- 1) Allow the City to put the comprehensive plan amendment into effect.
- 2) Require the Township to submit to the Council all annual monitoring reports as detailed in the February 2007 “Groundwater and Surface Water Monitoring Plan” by Barr Engineering.

### Background

The Township is proposing to expand the existing Mineral Extraction Overlay to an 80-acre area. The underlying land use will remain as “Long-Term Agriculture.” The “Mineral Extraction Overlay” allows interim access to and use of aggregate resources.

### Rationale

Empire Township proposes to amend the existing 2020 Comprehensive Land Use Plan. Minn. State Statute §473.859 requires communities to submit information to the Metropolitan Council for review when amending existing plans.

### Funding

Not applicable

### Known Support / Opposition

No known opposition.

<b>C</b>	<b>Community Development Committee</b>	<b>2008-4</b>
	Meeting date: January 22, 2008	
<b>ADVISORY INFORMATION</b>		
<b>Subject</b>	Empire Township - Review File No. 18028-11 Comprehensive Plan Amendment; Mineral Extraction Overlay	
<b>Districts, Members</b>	District 16, Brian McDaniel	
<b>Prepared by</b>	Patrick Boylan, Principal Reviewer (651-602-1438) Guy Peterson, Community Development Division Director (651-602-1306)	
<b>Division/Department</b>	Community Development / Planning and Growth Management	
<b>BACKGROUND</b>		
<p>The Empire Township is located in Dakota County, surrounded by the cities of Rosemount, Coates, Farmington, Lakeville and the townships of Vermillion, Hampton, and Castle Rock.</p> <p>The Council reviewed the City's 2020 Comprehensive Plan Update in March, 2000. Since the Comprehensive Plan Update the Council has reviewed 11 Comprehensive Plan Amendments.</p> <p>The 2030 Regional Development Framework designates Empire Township partially as a Developing Community and partially as an Agricultural Area. See Figure 1.</p>		
<b>REQUEST SUMMARY</b>		
<p>The Township is proposing to expand the existing Mineral Extraction Overlay to an 80-acre area. The underlying land use will remain as "Long-Term Agriculture." The "Mineral Extraction Overlay" allows interim access to and use of aggregate resources.</p>		
<b>PROPOSED ACTION</b>		
<p>Staff recommends that the Metropolitan Council take the following action:</p> <ol style="list-style-type: none"> <li>1) Allow the City to put the comprehensive plan amendment into effect.</li> <li>2) Require the Township to submit to the Council all annual monitoring reports as detailed in the February 2007 "<i>Groundwater and Surface Water Monitoring Plan</i>" by Barr Engineering.</li> </ol>		
<b>ISSUES</b>		
<ol style="list-style-type: none"> <li>1. Is the CPA in conformance with regional system plans, consistent with Council policies, and compatible with the plans of adjacent jurisdictions and affected school districts?</li> <li>2. Does the proposed comprehensive plan amendment meet the Council's adopted MUSA Expansion Guidelines?</li> <li>3. Does the amendment change the Township's forecasts?</li> </ol>		
<b>OVERVIEW</b>		
<b>Conformance with Regional Systems</b>	The amendment conforms to the Regional System Policy Plans for Transportation, Wastewater, and Parks – with no substantial impact or departure.	

<b>Consistency with Council Policy</b>	The amendment is consistent with the Council's <i>2030 Regional Development Framework</i> , forecasts, water resources management and housing policy.  The amendment does not change the City's forecasts.
<b>Compatibility with Adjacent Community Plans</b>	The amendment will have no impact on adjacent communities.
<b>ATTACHMENT</b>	
Figure 1 - Location Map	
<b>ISSUE ANALYSIS AND FINDINGS</b>	

The proposed comprehensive plan amendment does not propose to expand the MUSA; and, the amendment does not propose to change the Township's forecasts.

**Parks and Open Space** (Jan Youngquist 651-602-1029)

The proposal conforms to the *2030 Regional Parks Policy Plan*. However, the Plan identified a future regional park and a regional trail search corridor in close proximity to the plan amendment site. The site for the future regional park, unofficially referred to as Empire Wetlands Regional Park, is located approximately 1.5 miles from the plan amendment site. The Metropolitan Council has approved Dakota County's acquisition master plan for the regional park.

The Dakota North/South Regional Trail Search Corridor is a proposed regional trail that will connect Empire Wetlands Regional Park to Lebanon Hills Regional Park. A master plan for the trail has not yet been approved. Although an alignment for the trail has not been determined, it may follow the unnamed tributary of the Vermillion River, if it is still intact after mining operations conclude.

While the plan amendment site is not adjacent to the planned regional park, this tributary traverses the plan amendment site and flows downstream to Butler Pond, which is part of the planned regional park site. Council staff has concerns about the cumulative impacts to the planned regional park from mining activities in this area.

**Transportation and Aviation**

The proposed CPA is in conformance with the *2030 Transportation Policy Plan*.

**Wastewater**

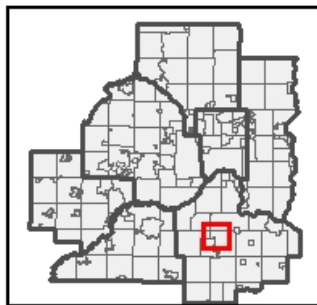
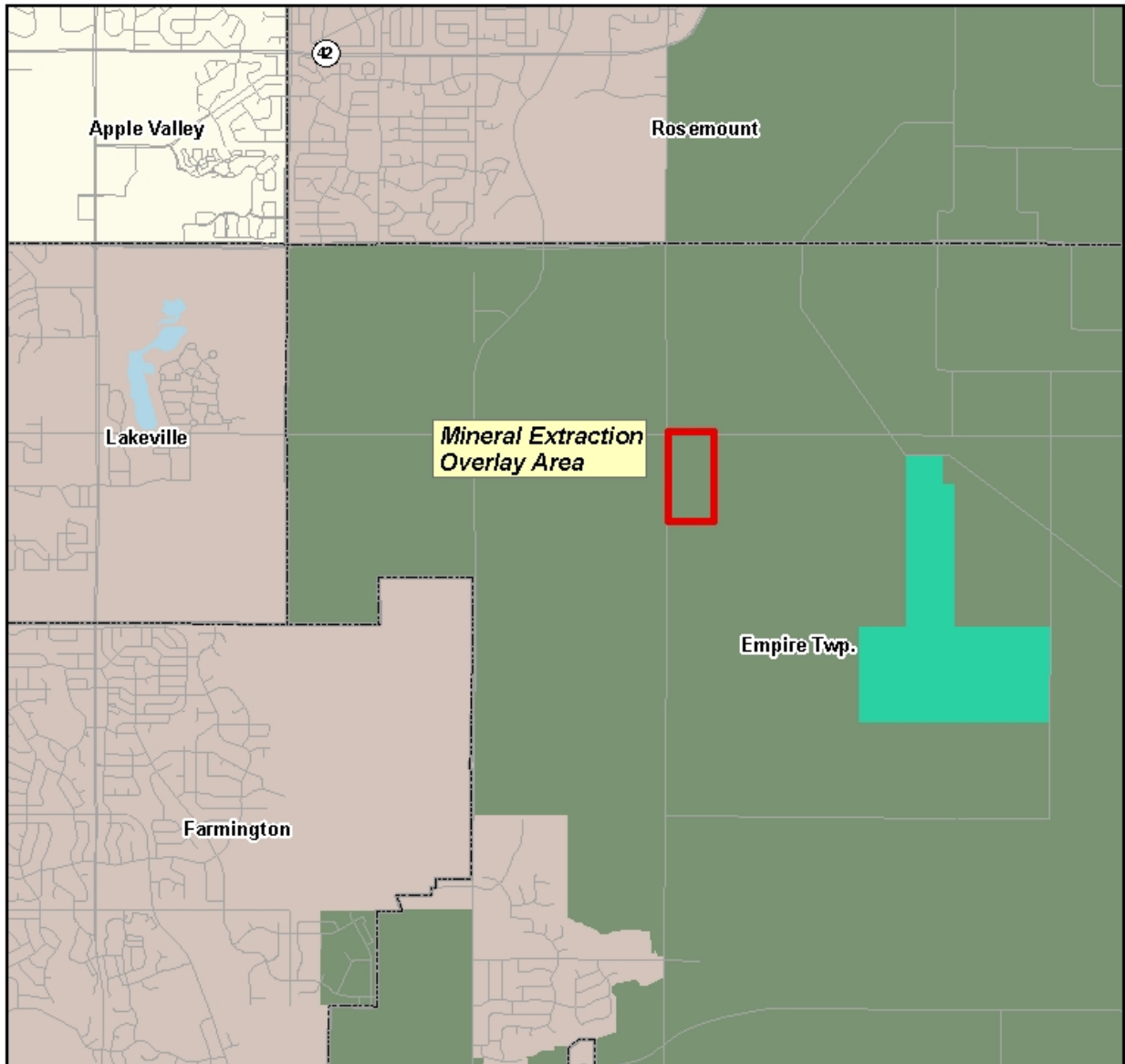
The proposed CPA is in conformance with the *2030 Water Resources Management Policy Plan*.

**Environment/Surface Water Management** (Jim Larsen, 651-602-1159)

Council staff reviewed the FEIS on August 5, 2005. This review identified concerns with the phasing and staging plan (Figure 1D of the FEIS) for site mining activities which indicated that most of the mining in the southeast corner of the gravel mining area, immediately upstream of Butler Pond and the Vermillion River Wetland complex, is not planned to take place for 20 to 30 years. It may be appropriate that the Sections 8, 9, 10, and 16 areas within the southeast portion of the Mining Area containing the unnamed tributary to the Vermillion River and the higher quality woodland, wetland, and prairie habitat on the site be maintained intact.

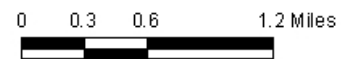
It is the Council's understanding that the February 2007 "*Groundwater and Surface Water Monitoring Plan*" done for the Township by Barr Engineering, calls for an annual report of monitoring results. The Council requests to receive a copy of the annual reports.

**Figure 1. Location Map and 2030 Regional Development Framework Planning Areas**



**Legend**

- Developed Area
- Developing Area
- Rural Center
- Rural Residential
- Diversified Rural
- Agricultural Area



Source: Metropolitan Council GIS Files: p. boylan 12-3-07