

C Joint Report of the Community Development and Environment Committees

E For the Metropolitan Council meeting of May 14, 2008

ADVISORY INFORMATION

Date Prepared: April 25, 2008

Subject: City of New Germany 2030 *Comprehensive Plan* Update
Review File No. 20169-1
Tier II Comprehensive Sewer Plan

Proposed Action:

That the Metropolitan Council adopts the attached Review Record and take the following actions:

1. Approves the City's Tier II Comprehensive Sewer Plan;
2. Authorizes the City of New Germany to put its 2030 Comprehensive Plan Update into effect without any plan modifications;
3. Requires that the City of New Germany participate in the Council's plat monitoring program beginning in 2008 and to submit annual reports to the Council as outlined on the Council's website:
<http://www.metrocouncil.org/planning/assistance/resources.htm#plat>;
4. Advises the City that it may alter, expand or improve its sewage disposal system consistent with its approved Tier II Sewer Plan;
5. Advises the City that when the Orderly Annexation Agreements are implemented with surrounding townships, forecast revisions should be discussed with the Council if needed;
6. Advises the City to change the designation of CSAH 30 and CSAH 33 in the Update to "A" minor arterial connectors;
7. Reminds the City to submit a copy of the City Council Resolution adopting its Update to the Council for its records;
8. Reminds the City that Minnesota Statutes 473.864 require it to formally adopt the Comprehensive Plan, along with any required modifications, within nine months after the Council's final action and require the City to submit two copies of the adopted Plan to the Council in a timely manner; and,
9. Reminds the City that it is required to submit any updated ordinances and controls intended to help implement the Plan to the Council upon adoption.

Summary of Committee Discussion / Questions:

Jim Uttley introduced Ann Perry, the planning consultant with Resource Strategies Corporation, who worked with the City to prepare the Update. He presented the item to the Committee.

Community Development Committee Chair Steffen asked Ms. Perry whether New Germany was subject to the outcome of the lawsuit related to expansion of its wastewater treatment plant (WWTP). Ms. Perry responded that it was and that the City's EAW for expansion of the WWTP received no adverse comments from the Pollution Control Agency. Chair Steffen asked about the recommendation related to the designations of CSAH 30 and 33. Uttley responded that the change in the designation applied to the language in the Update only. Member Sanda asked about the Dakota Rail regional trail and whether it was being considered for a future LRT or commuter rail. Uttley responded that it was not.

The Environment Committee asked about the condition of the New Germany WWTP and the schedule for the Metropolitan Council to acquire the plant. Staff informed the committee that the existing condition and size of the plant will require significant improvements. The schedule to acquire the plant has not been determined. Staff is continuing discussions with the city regarding the acquisition details. Motion to accept proposed action numbers 1 and 4 was made, seconded, and passed unanimously by the Environment Committee.

C Community Development Committee

Meeting date: April 21, 2008

E Environment Committee

Meeting date: April 22, 2008

For the Metropolitan Council Meeting of May 14, 2008

ADVISORY INFORMATION

Date:	April 9, 2008
Subject:	City of New Germany 2030 <i>Comprehensive Plan</i> Update Review File No. 20169-1 Tier II Comprehensive Sewer Plan
District(s), Member(s):	District 4, Councilmember Craig Peterson, 651-602-1474
Policy/Legal Reference:	Minnesota Statute Section 473.175
Staff Prepared/Presented:	James P. Uttley, Principal Reviewer, (651-602-1361) Kyle Colvin, Engineering Services Asst. Manager, (651-602-1151)
Division/Department:	Community Development / Planning and Growth Management

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Background

The City of New Germany (City) is located in northwestern Carver County, bounded by Camden Township to the south and Hollywood Township to the north. The City of Mayer is located 2 miles to the east. (See Figure 1)

The 2030 *Regional Development Framework* (RDF), as adopted by the Metropolitan Council (Council) in January 2004, identified the City as a "Rural Center" located within a broad "Agricultural" geographic planning area of western Carver County. In May 2007, the City requested the Council change its geographic planning

area designation to “Rural Growth Center” and allow greater growth. On June 13, 2007, the Council agreed to higher forecasts and changed the planning area designation as requested. Figure 2 shows the revised designation and regional systems.

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 Plan conform to Regional Systems Plans?

- Regional Parks Yes
- Transportation including Aviation Yes
- Water Resources Management Yes
(Wastewater Services and Surface Water Management)

2. Is the Plan consistent with Metropolitan Council policies?

- Forecasts Yes
- Housing Yes
- 2030 Regional Development Framework and Land Use Yes
- Individual Sewage Treatment Systems (ISTS) Program Yes
- Water Supply

3. Is the Plan compatible with plans of adjacent governmental units and plans of affected special districts and school districts?

Yes

Funding

The Council awarded New Germany a \$20,000 planning grant to help with the preparation of its Update. Fifty percent of the grant has been paid to date; the remainder awaits Council action on the Update and City adoption of the Update following Council action. The Update contemplates but does not commit the Council to future acquisition of the City’s wastewater treatment plant, which would require additional Council action.

Known Support / Opposition

Townships and county support the Update. There is no known opposition.

REVIEW RECORD

Review of the City of New Germany 2030 Comprehensive Plan Update

STATUTORY AUTHORITY

The Metropolitan Land Planning Act (MLPA) requires local units of government to submit comprehensive plans (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 is in conformance with the Regional Parks Policy Plan. Council staff commends the City in planning for local trail connections to the regional trail and cooperating with Carver County in locating a trailhead in the City.

Transportation

Roads and Transit

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

The Update is in conformance with the Transportation Policy Plan and addresses all the applicable transportation and transit requirements.

The nearest principal arterial (metropolitan highway), TH 7, is located approximately one mile north of the City. Only safety improvements are planned to TH 7 through the planning period. CSAH 30 and CSAH 33, respectively, provide the primary north-south and east-west routes through the City. These two roads are described in the Update as minor arterials—they should be more accurately described as “A” minor arterial connectors. The City’s Plan also includes planned local and collector roads to serve future growth.

New Germany lies outside the transit taxing district and therefore has no regular route transit service existing or planned in the City. Rural dial-a-ride service is provided by Carver Area Rural Transit (CART), which is consistent with service options for a Market Area IV community.

Aviation

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

The City’s Update is in conformance with Council aviation policy. The City of New Germany is not within the influence area of any existing or proposed regional system airport; it is within the region’s

general airspace that is to be protected from potential obstructions to air navigation. The New Germany CPU includes a notification requirement to the FAA and MnDOT for proposed tall structures and also a local ordinance for structure height limits.

Water Resources Management

Wastewater Service

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

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

The current wastewater treatment plant (WWTP), owned and operated by the City, is nearing capacity. Significant growth cannot occur until the treatment capacity of the WWTP is expanded. The City has proposed a two-phase expansion schedule for its WWTP. The first phase would accommodate projected growth through the year 2030. However, if growth exceeds the forecasts, a second-phase expansion would be required before the year 2030.

The City is requesting that the Council acquire its WWTP. Once the Council agrees to the acquisition of the WWTP, the City will proceed with the first-phase expansion, which will accommodate the 2030 population, household and employment forecasts.

The Update provides sanitary flow projections in 5-year increments. The bases for the projections are also given in the Update and were determined appropriate planning for local services. The City's Update states that its total system flow for 2030 will average approximately 175,000 gallons per day.

The City's Update outlines a rather aggressive I/I reduction program, partly as a result of the Minnesota Pollution Control Agency direction. The City has had problems with excess I/I in the past, resulting in backups into homes and bypass pumping during large rain events. The City's I/I work efforts have included sump pump disconnection programs, smoke/dye testing and televised inspection of its system. In the event that these efforts yield limited success, the City has identified a detailed study it will pursue to better identify sources of I/I within its collection system.

Tier II Comments

The Tier II sewer element of the Update is consistent with Council policies. 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 Update needs to be submitted to the Council for its records.

The City has identified its efforts to locate and reduce excessive levels of I/I within its system. The Council commends the City's efforts in this area and strongly encourages the City to continue these efforts.

Surface Water Management

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

The City's draft Storm Water Management Plan (SWMP) is consistent with the Council's 2030 Water Resources Management Policy Plan. The City is located within the Carver County Watershed. The Carver County watershed management plan was approved by the Board of Water and Soil Resources in 2001. The Council reviewed and commented on the City's SWMP in August 2007. Council review found the draft SWMP acceptable, but made several recommendations to the County and City for incorporation into the final SWMP. The County has not yet approved the draft SWMP for final adoption and implementation by the City. The following recommendations are offered concerning the City's final SWMP.

- The City should include a description of the City's role in the preparation and implementation of Total Maximum Daily Load (TMDL) determinations for impaired waters in the community.
- The City should include a program to educate local land use decision makers, City Council and Planning Commission, on the connection between land use decisions and water quality impacts. John

Bilotta, Regional Extension Educator with the University of Minnesota Extension should be able to assist the City in this effort.

- The City should review and revise the goals and policies language to be more proactive in the final document, removing phrases like ‘whenever practical or possible’, and incorporating more decisive guidance that can be implemented and monitored.

The City should provide the Council with a copy of its adopted SWMP following final adoption. The City should also supply information to the Council on the date that Carver County approved the plan and the date the City adopted the final plan. If the SWMP is amended or significantly changed in the future, it will need to be resubmitted to the Council for review and comment at the same time it is sent to the Carver County Watershed.

CONSISTENCY WITH COUNCIL POLICY

Forecasts

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

The Update’s forecasts are consistent with the Council’s forecasts as revised by Council action on June 13, 2007. The forecasts in Chapter IV accurately reflect shared expectations for New Germany’s current jurisdiction. When the Orderly Annexation Agreements (OAAs) are implemented with surrounding townships, forecast revisions should be discussed with the Council as needed.

Table 1: Met Council Forecasts as Compared to the City’s Update

	2000		2010		2020		2030	
	Met Council	City	Met Council	City	Met Council	City	Met Council	City
Population	346	346	620	620	1100	1100	1500	1500
Households	143	143	250	250	450	450	650	650
Employment	52	52	70	70	200	200	300	300

*These forecasts represent both total city forecasts and sewered forecasts.

2030 Regional Development Framework and Land Use

Reviewer: Jim Uttley, CD – Local Planning Assistance, (651-602-1319)

The Update is consistent with the Council’s 2030 Regional Development Framework policies for land use. The City’s current (2007) density is 4.5 units per net developable acre. As a Rural Growth Center, New Germany is anticipated to grow more than it would have as a rural center. The forecasts above, while modest, reflect a substantial percentage growth for a community that added only a few homes per decade since the 1950s.

Rural Growth Centers are expected by the Council to provide a full range of services, generally around an established core commercial center rather than becoming “bedroom” communities with jobs, schools and services offered elsewhere.

A land use density analysis (Table 18, page 47 of the Update), indicates that the City has 102 developable net acres of residential land remaining in the existing City limits, which will allow the development of 451 units and result in a net density of 4.4 units per developable acre. The analysis includes a proposed development via annexation in neighboring Hollywood Township. This development, a specialty subdivision for water skiers with a man-made lake at its core, proposes 60 units on 87.6 net acres, for an overall density of 0.7 units per developable acre. Taken as a whole, the plan including existing and planned residential within the existing City limits, plus the Hollywood Township Annexation No. 1, will generate a total of 657 units on 222.4 net acres, for an average overall density of 3.0 units per developable acre.

New Germany's Update proposes by 2030 to add 187 acres of low density residential, 28 acres of medium density, 2.8 acres of mixed-use (1.4 acres - primarily residential and 1.4 acres primarily commercial uses); and 3.8 acres of industrial development. This may be somewhat less than needed to create a well-rounded, full-service community in the longer term. The City may want to revisit this matter later in the future.

The City has Order Annexation Agreements (OAAs) with Camden and Hollywood Townships. The OAAs allow the City to plan for expansion beyond the existing City limits. As planned, the Update (Table 19, page 50) anticipates 1,236 units on 404 net acres with the OAA areas in the two townships, an over net density of 3.1 units per developable acre.

The Update changes the residential land use designations from "single-family" in the old Plan to "low-density" in the Update to provide the opportunity for a greater mix of housing types. The Update is unclear about the density range in the low-density planning district. The Update says

Generally, this land use category accommodates attached and detached single family homes at an overall minimum net density of three units per acre where public sewer and water service is available. The maximum net density within this land use designation is four units per acre. [Emphasis added]

Two paragraphs later, the Update goes on to note:

Generally, the existing zoning district that is applicable to the low density land use category is R-1 single family district that allows a minimum 10,000 sq. ft. lot size and the planned unit development district.

A 10,000 sq. ft. lot will result in an overall density of approximately 4 units per acre.

The Update's "medium-density" district permits a density range of 4 to 10 units per net developable acre. Residential development is also permitted in a new "mixed-use" district, which has no minimum density but allows up to 10 units per acre as the maximum density (possibly higher if part of a planned unit development).

The Council recommends that communities plan for a defined minimum density rather than leave it open ended, but in this case, even if the 1.4 acres planned for mixed-use residential expansion through 2030 were to be developed at less than one unit per acre, the overall community density will remain above 3 units per acre consistent with Council policy.

Housing

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

The Update is consistent with the Council's housing policy and meets the affordable housing planning requirements of the MLPA. The Update acknowledges the City's share of the region's affordable housing need for the 2011-2020 decade of 11 affordable units. To provide opportunities to meet that need, the Update identifies approximately 30.5 acres of land that will be available for medium density residential development (4-10 units an acre). The existing zoning ordinance allows for 16 units per acre as the maximum density for medium residential development. The City is strongly encouraged to consider maintaining that maximum density in its 2030 plan as the higher the density that is allowable, the more opportunity the City will have to allow housing developed to be affordable. The Update also identifies an additional 52 acres designated as a long-term potential medium density land use through an Orderly Annexation Agreement with Camden Township. The City is advised that if annexations occur prior to 2020, the City's share of the region's affordable housing need will be recalculated and may increase.

The Update also provides the implementation tools and programs the City will use to promote opportunities to address its regional fair share housing need. The Update indicates the City is committed to continue working with the Carver County Community Development Agency to identify low- and moderate-income housing needs. The City participated with the Carver County CDA in 2007 in the development of the 2007 Carver County Housing Study. The Update also indicates the City will pursue opportunities with Minnesota Housing and other organizations to maintain housing

affordability in the community and to accommodate additional new affordable units. New Germany is a participant in the LCA Local Housing Incentives Program.

Individual Sewage Treatment Systems (ISTS) Program

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

The Update is consistent with Council policy relative to ISTS. The Update indicates that there are no ISTS remaining in service within the portion of the City served by sanitary sewers. Any ISTS in lands surrounding the current City boundaries is currently under the oversight of the County's ISTS management program, and will continue to be even if the City annexes the property. ISTS oversight will be seamless by the County.

Water Supply

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

The City's water supply plan (WSP) is consistent with the policies of the Council's Water Resources Management Policy Plan. The city's WSP includes a 2030 projected water demand of 54.75 million gallons per year. In order to meet this projected demand, the city has planned for one additional FIG well, with a production capacity of approximately 300 gallons per minute. The city calculated the average residential per capita demand over the past 5 years to be 34.61 gallons/day. The WSP indicates that the city has several conservation measures in place, including time of day watering restrictions, bill inserts, and media releases. The Council recommends the city continue to implement its existing conservation measures and to continue to assess other conservation opportunities.

Resource Protection

Reviewer: Jim Uttley, CD – Local Planning Assistance, (651-602-1319)

Historic Preservation

The Update contains a section on Historic Preservation as required by the MLPA. It indicates that there are no sites either in the City or surrounding area that are listed in the Register of National Historic Places but says that the City will work with State and County Historical Societies to identify, publicize and preserve other historic sites.

Solar Access Protection

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

Aggregate Resources Protection

The Update's Aggregate Resources Protection section indicates that the City and surrounding area are devoid of aggregate resources.

PLAN IMPLEMENTATION

Reviewer: Jim Uttley, CD – Local Planning Assistance, (651-602-1361)

The Update includes a description of:

- Capital Improvement Program Yes
- Zoning Code Yes
- Subdivision Code Yes
- ISTS Codes No, not applicable (handled by County)
- Housing Implementation Program Yes

The Update contains a 5-year CIP, a copy of the existing zoning districts and map, and a description of possible future changes. There are no specific changes in ordinances identified as needed to implement the Update; but the City intends to evaluate its land use controls following adoption of the Update. The City is reminded that it must submit copies to the Council of any changes made to any of the above noted documents within 30 days of their adoption.

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 district, county and special districts for comment in October 2006. New Germany received responses from the two townships and school district indicating that they had no comments on the Update. Both townships were involved in the City's planning effort and signed Orderly Annexation Agreements with the City.

Carver County, which also serves as the watershed management organization for most of the County, provided a seven-page letter of comments on December 17, 2007. The City addressed suggested changes or responded to County questions. The Update reflects changes to the draft Update that the County reviewed.

DOCUMENTS SUBMITTED FOR REVIEW:

City of New Germany *2030 Comprehensive Plan*, dated January 2008

ATTACHMENTS

- Figure 1: Location Map with Regional Systems
- Figure 2: 2030 Regional Development Framework Planning Areas
- Figure 3: Future Guided Land Use, 2010-2030
- Figure 4: Existing and Planned Land Use Table in 5-year Stages

FIGURE 1: LOCATION MAP WITH REGIONAL SYSTEMS
 City of New Germany

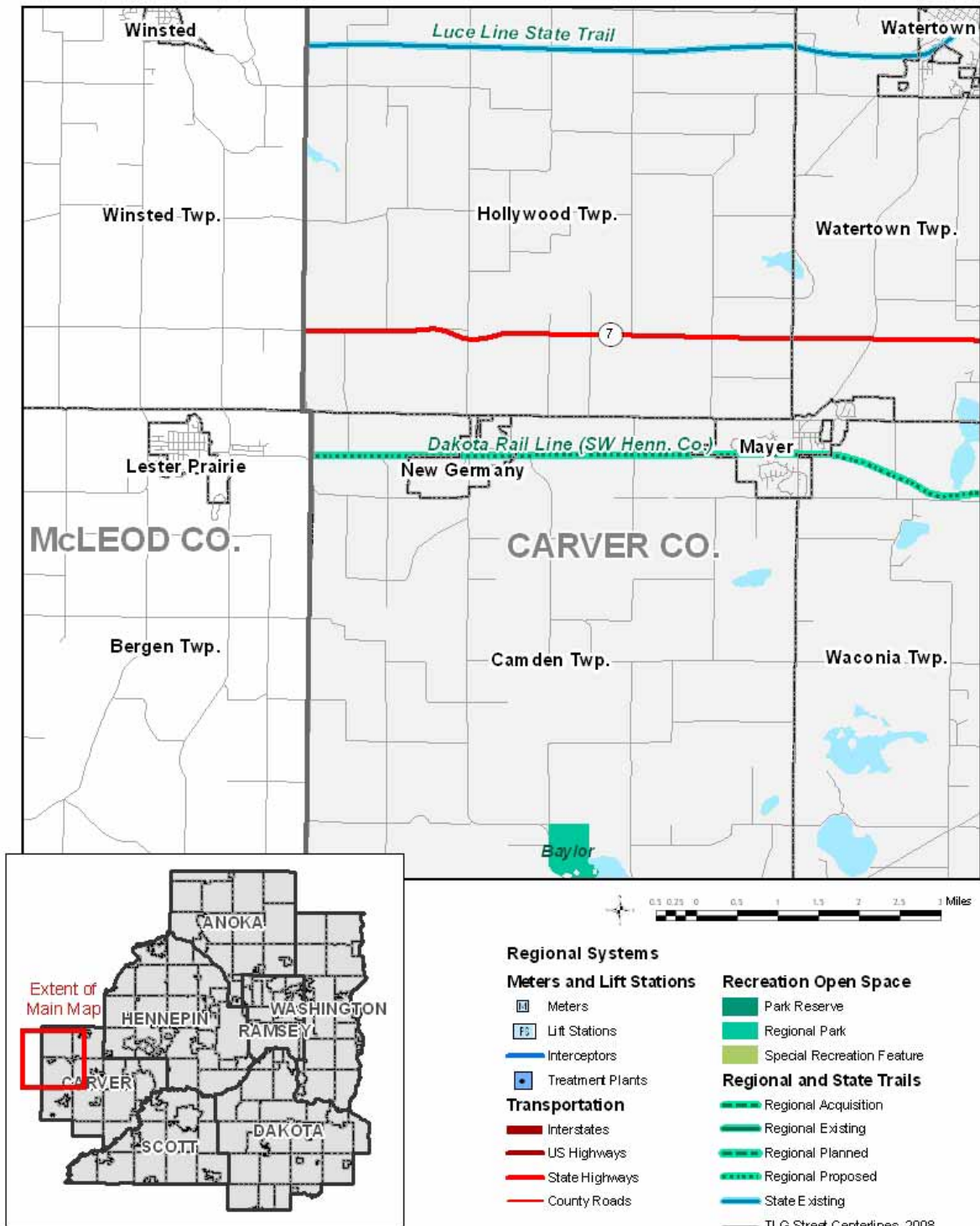
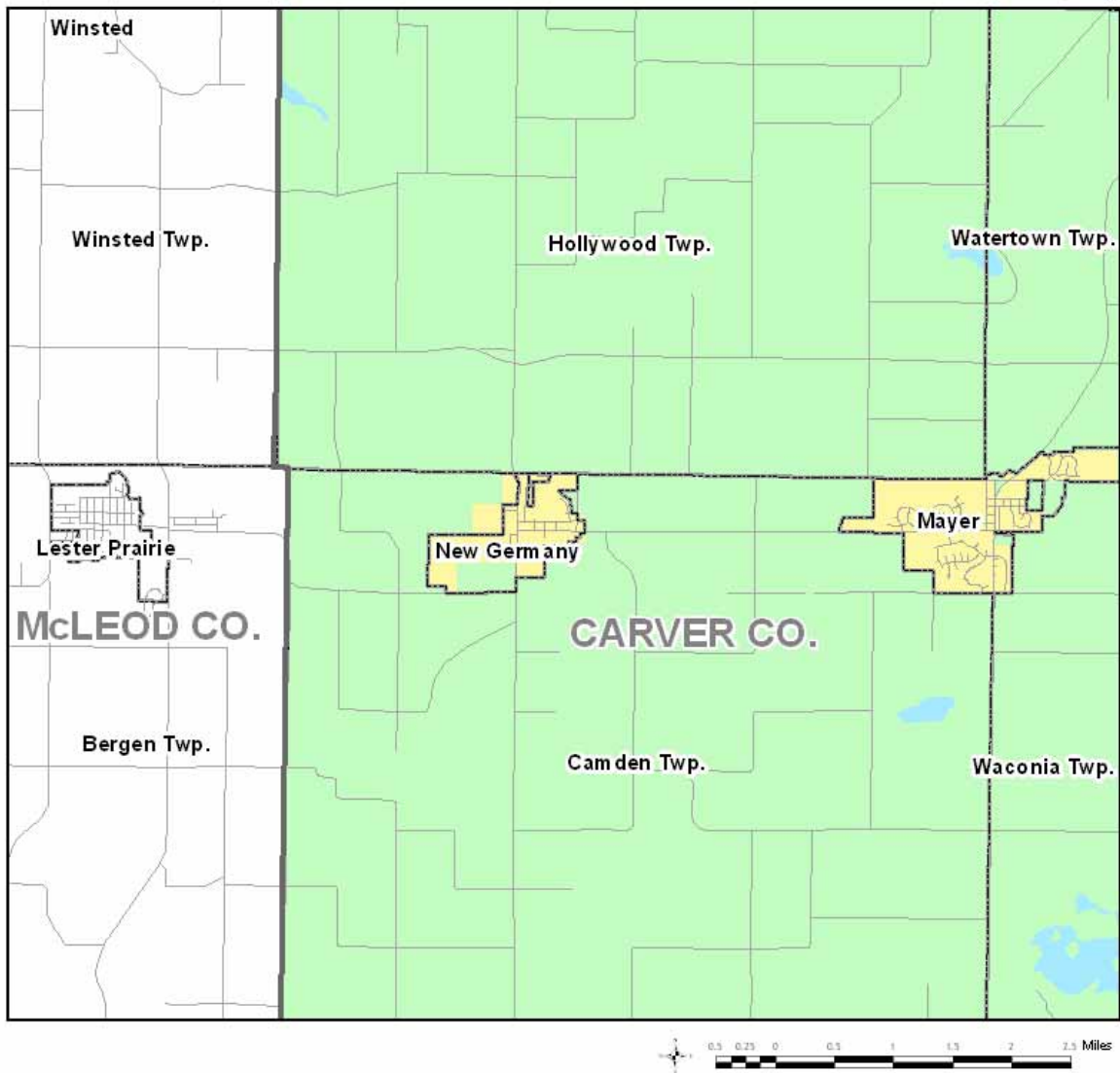


FIGURE 2: 2030 REGIONAL DEVELOPMENT FRAMEWORK PLANNING AREAS
 City of New Germany

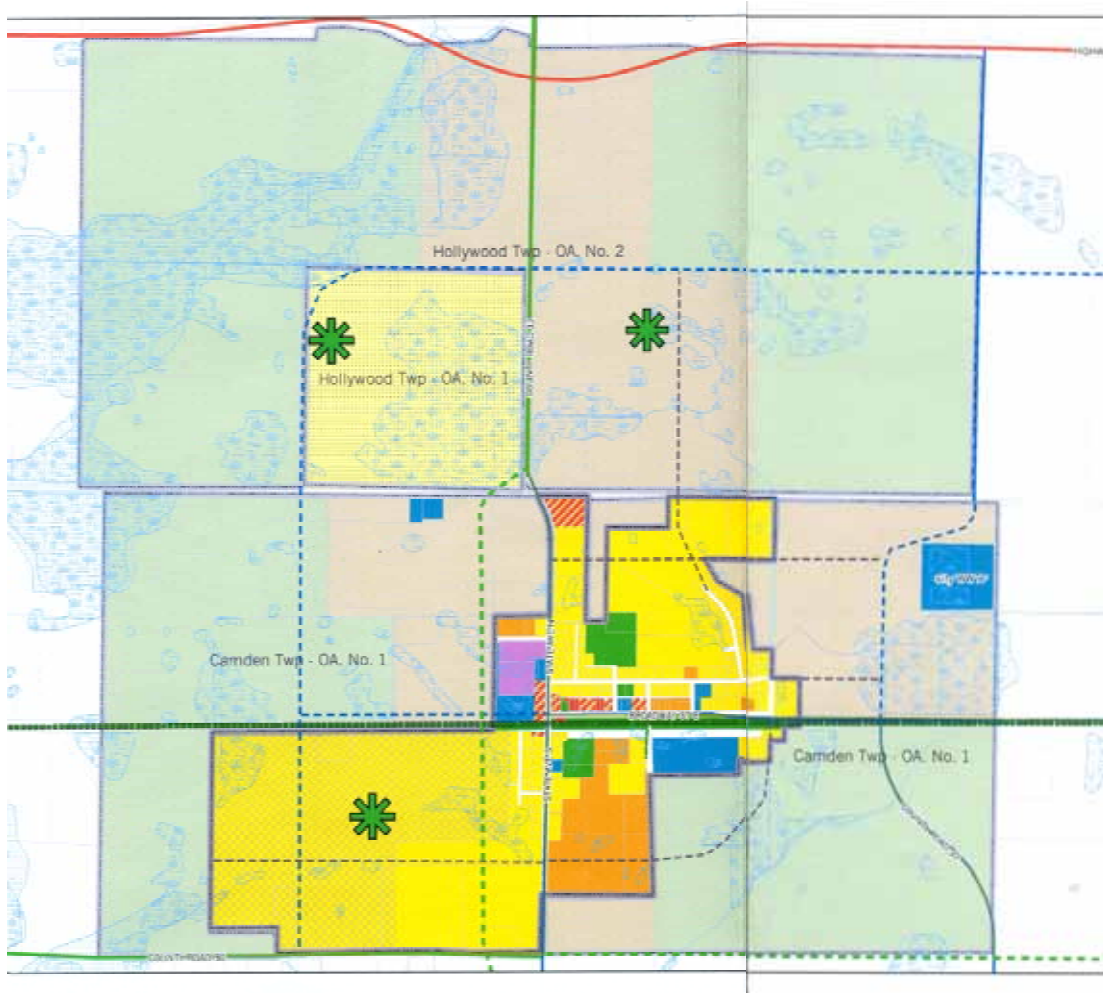


Regional Development Framework

2030 Framework Planning Areas

- Agricultural Area
- Developed Area
- Developing Area
- Diversified Rural
- Non-Council Area
- Rural Growth Center
- Rural Residential

FIGURE 3: FUTURE GUIDED LAND USE, 2010-2030
City of New Germany



2030 Growth Management Plan
City of New Germany

2030 Development Areas

Areas Within Current Municipal Boundaries:

- Low Density Residential (average 3 units per acre)
- Medium Density Residential (4 to 10 units per acre)
- Mixed Business/Residential
- Commercial
- Future Low Density Residential (assuming sewer capacity)
- Industrial
- Institutional (public, educational, religious)
- Park
- Neighborhood Park Search Area

Hollywood Twp OA No. 1:

- Low Density Residential

Orderly Annexation Area Boundaries

Camden Twp, OA No. 1 and
Hollywood Twp OA No. 2 Areas

- Transition Area (interim agriculture at one home per 40 acres)
- Agricultural (one home per 40 acres)
- Institutional (public, educational, religious)
- Neighborhood Park Search Area

2030 Functional Roadway Classification

- Principal Arterial
- Existing Co. Minor Arterial
- Planned Co. Minor Arterial
- Existing Future Collector
- Planned Local Collector
- Planned Local Road
- Dakota Rail Corridor Trail

- Streams
- NWI Wetlands
- Floodplain



FIGURE 4: EXISTING AND PLANNED LAND USE TABLE IN 5-YEAR STAGES
CITY OF NEW GERMAN Y

Existing and Planned Land Use Table (in acres)

Within Urban Service Area	Allowed Density Range Housing Units/Acre		Existing (2000)	2010	2015	2020	2025	2030	Change 2000-2030
	Minimum	Maximum							
Residential Land Uses									
Low Density Residential	3	4	35.8	91.5	166.7	196.3	214.2	223.1	187.30
Medium Density Residential	4.1	10	2.9	2.9	11.3	22.9	30.5	30.5	27.60
High Density Residential			0	0	0	0	0	0	0
Mixed Use Primarily Residential*			1	1	1	2.4	2.4	2.4	1.40
C/I Land Uses									
	Est. Employees/Acre								
Commercial	NA		1.6	1.6	1.6	1.6	1.6	1.6	0
Industrial	NA		2.7	6.5	6.5	6.5	6.5	6.5	3.8
Office	NA		0	0	0	0	0	0	0
Mixed Use Primarily C/I*	NA		4	4	4	5.4	5.4	5.4	1.4
Extractive	NA		0	0	0	0	0	0	0
Public/Semi Public Land Uses									
Institutional			12.6	12.6	12.6	12.6	12.6	12.6	0
Parks and Recreation			19.9	21.9	26.9	32.4	35.6	36.7	16.8
Open Space			0	6	12	12	12	12	12
Roadway Rights of Way			39.4	41.7	48.2	53.1	55.8	56.9	17.5
Utility			0	0	0	0	0	0	0
Railroad			0	0	0	0	0	0	0
Airport			0	0	0	0	0	0	0
Subtotal Sewered			119.9	189.7	290.8	345.2	376.6	387.7	267.8
Outside Urban Service Area									
	Minimum lot size	Maximum lot size	Existing (2000)	2010	2015	2020	2025	2030	Change 2000-2030
Rural Residential 2.5 acres or less			8	8	0	0	0	0	-8
Rural Residential 2.5 -10 acres			0	0	0	0	0	0	0
Rural Residential 10-40 acres			106.4	92.7	61.4	6.8	0	0	-106.4
Agricultural 40+ acres			200	195.3	184.9	184.9	160.2	149.2	-50.8
Subtotal Unsewered			314.4	296	246.3	191.7	160.2	149.2	-165.2
Undeveloped									
Wetlands			34.6	42.8	51	51	51	51	16.4
Open Water, Rivers and Streams			0	21	42	42	42	42	42
Total			468.9	549.5	630.1	629.9	629.9	629.9	

* For Mixed Use categories include information regarding the estimated minimum and maximum housing density ranges and acres/percentage of residential use.