

Community Development Committee

For the Metropolitan Council meeting of March 11, 2009

ADVISORY INFORMATION

Date Prepared: March 3, 2009

Subject: Denmark Township's 2030 Comprehensive Plan Update review File No. 20412-1

Proposed Action:

That the Metropolitan Council adopt the attached Advisory Comments and review Record, and the following action recommended by the Community Development Committee:

Authorize Denmark Township to put its 2030 Comprehensive Plan Update into effect.

Summary of Committee Discussion / Questions:

Community Development Committee

Motion to approve the Committee recommendation was made, seconded and passed unanimously.



Community Development Committee

Meeting date: March 2, 2009

Business Item

Item: 2009-65

ADVISORY INFORMATION

Subject:	Denmark Township's 2030 Comprehensive Plan Update Review File No. 20412-1
District(s), Member(s):	District 12, Councilmember Sherry Broecker
Policy/Legal Reference:	Minnesota Statutes Section 473.175
Staff Prepared/Presented:	Susan Hoyt, Principal Reviewer (651-602-1330) 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:

Authorize Denmark Township to put its 2030 Comprehensive Plan Update into effect.

ADVISORY COMMENTS

Denmark Township 2030 Comprehensive Plan Update

Review File No. 20412-1 Council Business Item No. 2009-65

The following Advisory Comments are part of the Council action authorizing the Township to implement its 2030 Comprehensive Plan Update (“Update”):

Community Development Committee

1. The Council-adopted *Local Planning Handbook* states that the Township 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 Township 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

Denmark Township is located in Washington County, surrounded by the City of Afton on the north, the St. Croix River on the east, the City of Hastings and Dakota County on the south and the City of Cottage Grove on the west. (See Figure 1)

The *2030 Regional Development Framework (RDF)* identified Denmark Township as mostly within the “Diversified Rural” geographic planning area and partially as an “agricultural” geographic planning area (Figure 2).

The Township 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. Forecasts | Yes |
| 2. Housing | Yes |
| 3. 2030 Regional Development Framework and Land Use | Yes |
| 4. Individual Sewage Treatment Systems (ISTS) Program | Yes |
| 5. Water Supply | N/A |

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

Review of the Denmark Township's 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

Parks and Trails

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

The Update is in conformance with the *Regional Park's Policy Plan* (RPPP). The Township submitted revisions to the 2030 Planned Land Use Map (Figure 3); the Parks and Open Space and Trail Search Corridors Map and text on pages 31 and 32 dated January 8, 2009 to acknowledge the master plan boundaries and inholding parcels for St. Croix Bluffs Regional Park. The Township needs to ensure that the submitted revisions are incorporated into its Update.

Transportation

Roads and Transit

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

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

Aviation

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

The Update is in conformance with the Aviation policies in the *Transportation Policy Plan*.

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* and wastewater policies. The Metropolitan Council does not provide wastewater services to Denmark Township, and has no plans to provide service to the community within the 2030 planning period.

Surface Water Management

Reviewer: Judy Sventek, ES – Water Resources Assessment (651-602-1156)

The Update is in conformance with the *Water Resources Management Policy Plan* for local surface water management. Given the rural nature of the Township and the limited amount of projected growth, Council staff found that the Surface Water Management Plan (SWMP) generally fulfilled the requirement for a local surface water management plan.

Denmark Township lies within the Lower St. Croix Watershed. The Lower St. Croix Watershed Management Organization's latest watershed management plan was approved by the Board of Water and Soil Resources (BWSR) in 2005. Denmark Township prepared a surface water management plan (SWMP) as part of the comprehensive plan update in 2008. The SWMP was reviewed by Council staff.

The SWMP indicated that there are currently significant areas of erosion and sedimentation along Trout Brook and O'Connor's Creek as well as areas along the St. Croix. It is critical that the Township pursue funding to fix the erosion-prone areas in the Township as well as find a funding source to use in the future to address potential problems.

The Township needs to provide the Council the date the Lower St. Croix River Watershed Management Organization approved the SWMP and the date the Township adopted the final SWMP.

CONSISTENCY WITH COUNCIL POLICY

Forecasts

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

The Update is consistent with Council forecasts and Council policies. The Township used Council forecasts and demonstrated that it can meet household forecasts.

Forecasts	1990	2000	Revised Development Framework		
			2010	2020	2030
Population	1,172	1,348	1,750	2,150	2,550
Households	367	481	650	820	990
Employment	247	300	360	400	440

The Township may request an employment forecast revision. Denmark Township’s commercial/industrial district has experienced substantial employment growth since 2004. Minnesota Department of Employment and Economic Development (DEED) statistics on employment show 884 jobs at 38 worksites in the second quarter of 2008, more than double the 2030 forecast. (Metropolitan Council current forecasts from January, 2004 for Denmark Township are 360 jobs in 2010, 400 jobs in 2020 and 440 jobs in 2030.)

If the Township wishes to revise the Plan Update with higher employment forecasts, Council staff will make revisions in Council employment forecasts.

2030 Regional Development Framework and Land Use

Reviewer: Lisa Barajas, CD – Local Planning Assistance, (651-602-1319)

The Update is consistent with the *Regional Development Framework* (RDF). The Update indicates that Denmark Township is designated by the Metropolitan Council as “Diversified Rural.” Diversified Rural areas include a mix of a limited amount of large-lot residential and clustered housing with agricultural and other rural uses. Growth is to be consistent with densities of no more than one housing unit per 10 acres of land. The Update acknowledges this designation and states: “In general the Township supports this designation as it has a desirable rural atmosphere that the Township intends to protect. The policy of Denmark Township is to permit only residential densities that maintain the permanent rural character of the Township.”

The Township is guided for a variety of rural land uses, including Agriculture, Parks and Open Space, Rural Residential, Single-Family Estate and Rural Commercial/Industrial. In addition, three overlay districts affect land uses within the Township: Mississippi River Critical Area and Mississippi National River and Recreation Area (MNRRA), Shoreland district and St. Croix Riverway District.

The Agriculture District is the dominant land use category in the Township. It makes up 55 percent of the Township, and is guided for densities of one unit per 20 acres. This is less density than the Council standard, which is one unit per 10 acres. The Township also has selected agricultural lands that are guided at densities of one unit per forty acres, to reflect enrollment in the Minnesota Agricultural Land Preservation Program.

The Rural Residential designation provides for low density residential development in areas not as well-suited to long-term agriculture. These areas are guided for a density of one unit per 5 acres and comprise approximately 17 percent of the Township. The Single-Family Estate category is found along the Mississippi and St. Croix Rivers. It allows densities of one unit per 3 acres and constitutes approximately eight percent of the Township’s available land. The Update includes discussion of residential buildout potential, and shows that the Township can accommodate Council residential household forecasts. Using the household forecast for 2030, the overall residential density is 1 unit per 15.55 acres.

The Parks and Open Space designation reflects land protected for passive and active recreation, nature study, and open space. The Township has a high percentage of its land area in this designation, 11 percent. The Township has a Rural Commercial/Industrial land use designation, which reflects already existent commercial/industrial development in the southern part of the Township adjacent and east of US 61. The Township is proposing to expand this area by 54 acres to the east to provide a mix of business uses. The Township has adopted policies and will amend its zoning map to assure any additional commercial or

industrial development can be supported by private wells and septic systems and will not affect surface water or groundwater.

Existing Land Use (2005)

Land Use	Acres	Percent
Agricultural	11,120	61.3
Parks and Open Spaces	2,114	11.6
Single Family Residential	1,115	6.1
Undeveloped Land	3,582	19.7
Commercial	63	0.4
Industrial and Utility	133	0.7
Institutional	9	0.0
Major Vehicular Right of Way	34	0.2
Total Land Area	18,170	100.0%
Open Water	1,116	
Total Area, Land and Water	19,286	

Housing

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

The Update is consistent with the Council’s polices on Housing. The Update’s housing element fulfills the affordable housing planning requirements of the Metropolitan Land Planning Act. As a community without regional sanitary sewers, the Township does not have a numerical share of the regional need of affordable housing. The plan provides an assessment of the housing stock, and provides goals and policies the Township will use to address its local affordable and life cycle housing needs. It will do this through enforcement of the zoning and building codes to ensure housing quality; encourage the rehabilitation of existing housing as a source of affordable housing; maintain residential development standards that do not preclude the provision of moderate-cost housing. The Update states the Township is supportive of Washington County HRA programs that are available to assist local residents with their housing needs.

Individual Sewage Treatment Systems (ISTS) Program

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

The Update is consistent with the *Water Resources Management Policy Plan* for ISTS. There is one community system in operation in the Township, serving the St. Croix Harbor subdivision. The remainder of the residences and businesses in the Township are served by ISTS. The Township has adopted the Washington County ISTS regulations, and Washington County manages the inspection, operation and maintenance management of systems in the Township. The County’s program is consistent with MPCA 7080 Rules and Council policies.

Water Supply

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

The Update is consistent with *Water Resources Management Policy Plan* for water supply. Since the Township does not have a municipal water supply system, no water supply plan is required.

Resource Protection

Historic Preservation

Reviewer: Lisa Barajas, CD– Local Planning Assistance, (651-602-1895)

The Update meets the requirements for historic preservation as required by the MLPA. The Update contains a substantial section addressing historic preservation which includes policies to promote preservation and creative re-use of historic sites and structures within the Township. It includes a listing and description of historic sites which are identified on a map.

Solar Access Protection

Reviewer: Lisa Barajas, CDs – Local Planning Assistance, (651-602-1895)

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

Aggregate Resources Protection

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

The Update contains a section on aggregate resources protection. It identifies the locations of known aggregate resource deposits within the Township on Figure 5 on page 29. Goals and policies are presented on pages 13 and 14 to address and minimize land use conflicts with respect to aggregate resource extraction and required site restoration.

Minnesota Critical Area

Reviewer: Tori Dupre, CD—Local Planning Assistance, (651 602-1621)

Denmark Township updated its Mississippi River Critical Area Plan in 1999 (Review 16916-1) with Council action on June 23, 1999. The Council forwarded the review and recommendations to the Minnesota Department of Natural Resources (MnDNR) for final approval. Denmark Township’s 2030 Update makes no changes to the Critical Area Plan. The Council will forward the Update review to MnDNR staff.

PLAN IMPLEMENTATION

Reviewer: Lisa Barajas, CD – Local Planning Assistance, (651-602-1895)

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 its implementation actions and resources including official controls, zoning and subdivision, water resources management, and sewage treatment regulations. Although it does not have an official Capital Improvement Plan (CIP), it budgets for capital improvements on an ongoing basis. The Update states: “The Township will annually review capital expenditures that may arise over a five-year period as a result of implementing the comprehensive plan.” Although the Township does not have a Housing Implementation Program, it does support programs of the Washington County Housing and Redevelopment Authority (HRA) that are available to assist local residents with their housing needs.

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

The Township submitted the 2030 Comprehensive Plan Update to adjacent local units of government, school districts, counties and special districts for comment in June 2008. No compatibility issues with plans of adjacent governmental units and plans of affected special districts and school districts were indicated. However, Washington County, which is in the process of updating its Comprehensive Plan, commented on two proposed changes in the Township's Comprehensive Plan Update. It noted one change of land use on a 64-acre parcel from agriculture to Rural Residential. Washington County letter states: "This change would be consistent with adjacent residential land use patterns and densities and is not considered a substantial change in the Plan."

Washington County is also concerned about a land use change on 54 acres east of the existing Commercial/Industrial area along the Highway 61 corridor. The Township is proposing to change the land use from Agriculture to Commercial/Industrial, which is line with commercial/industrial development to the west. The Township has included policies to limit the types of commercial/industrial uses that would be allowed in this area. The County will carry forward two alternatives in its Comprehensive Plan Update, one which reflects the change proposed in the Township's Comprehensive Plan Update.

DOCUMENTS SUBMITTED FOR REVIEW:

- Denmark Township's *2030 Comprehensive Plan*, dated December 2008.
- Comprehensive Plan Transmittal form dated December 17, 2009
- Packet of Comments Received dated December 30, 2009
- A Supplemental Packet addressing Rural Commercial/Industrial Area, Parks and Trails, Planned Land Use, Transportation Analysis Zones, Transportation and Aviation.

ATTACHMENTS

- Figure 1: Location Map with Regional Systems
- Figure 2: 2030 Regional Development Framework Planning Areas
- Figure 3: Existing Land Use
- Figure 4: 2030 Planned Land Use

**Figure 1. Location Map Showing Regional Systems
Denmark Twp.**

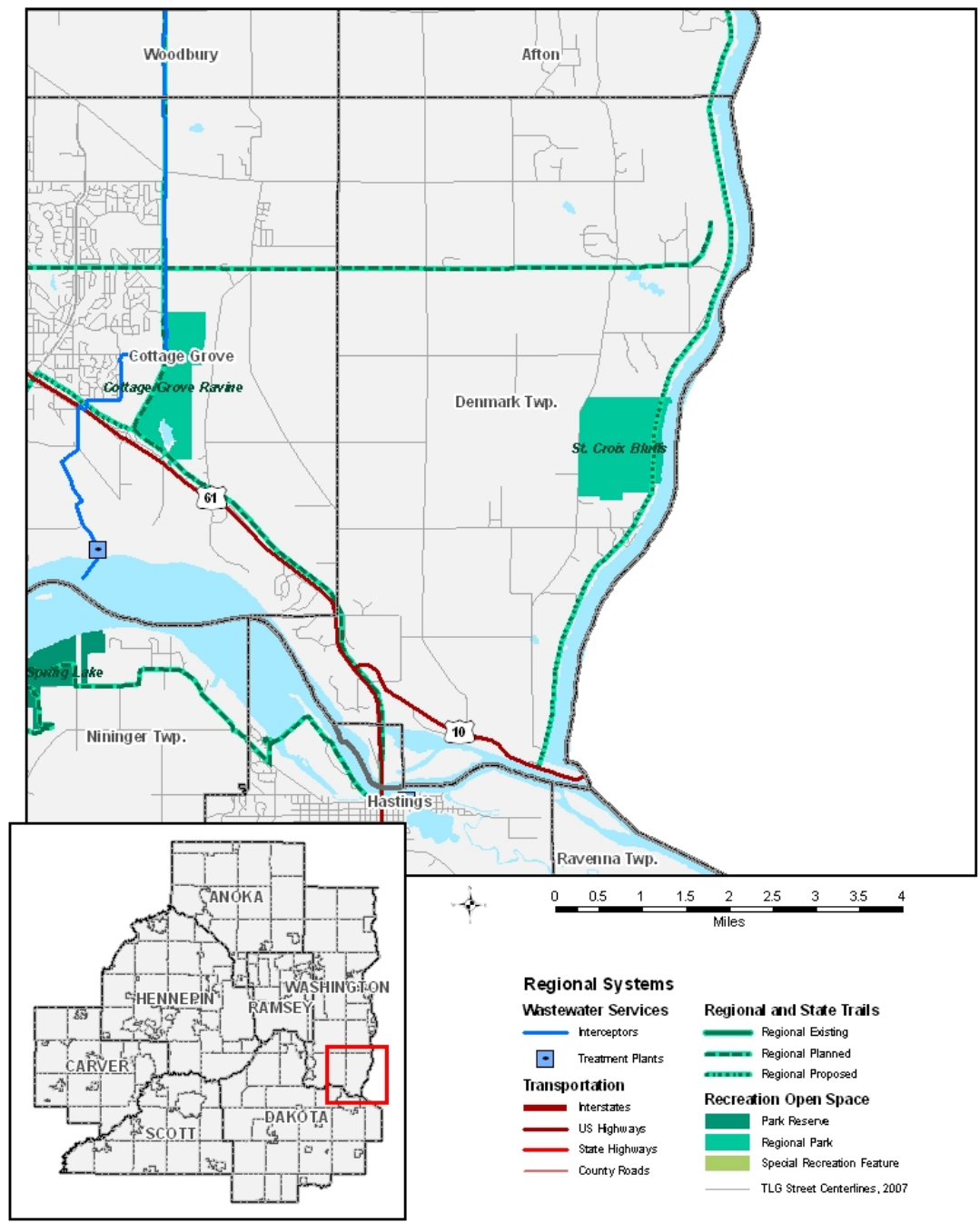


Figure 2. 2030 Regional Development Framework Planning Areas

Denmark Twp.

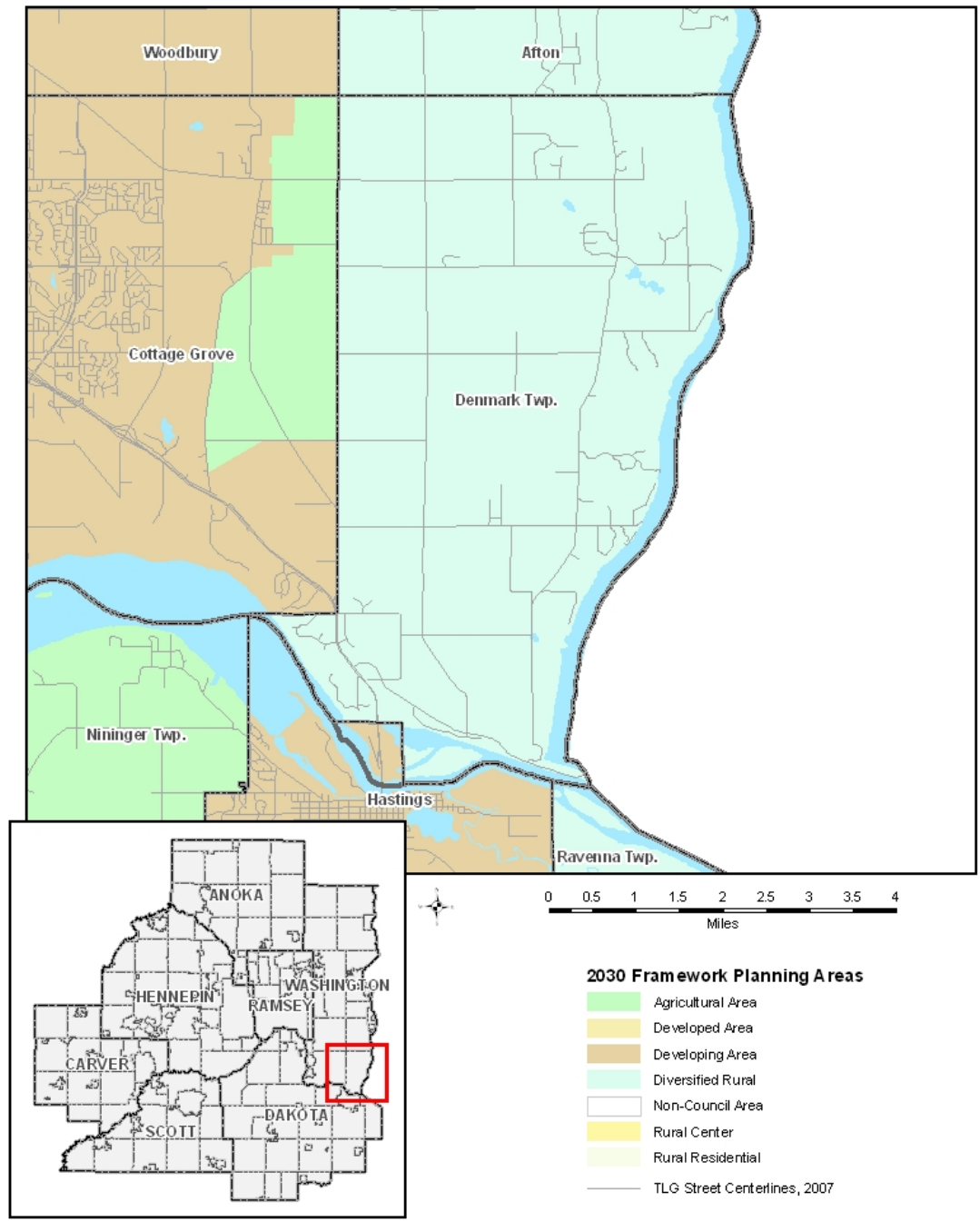


Figure 3: Existing Land Use
Denmark Township

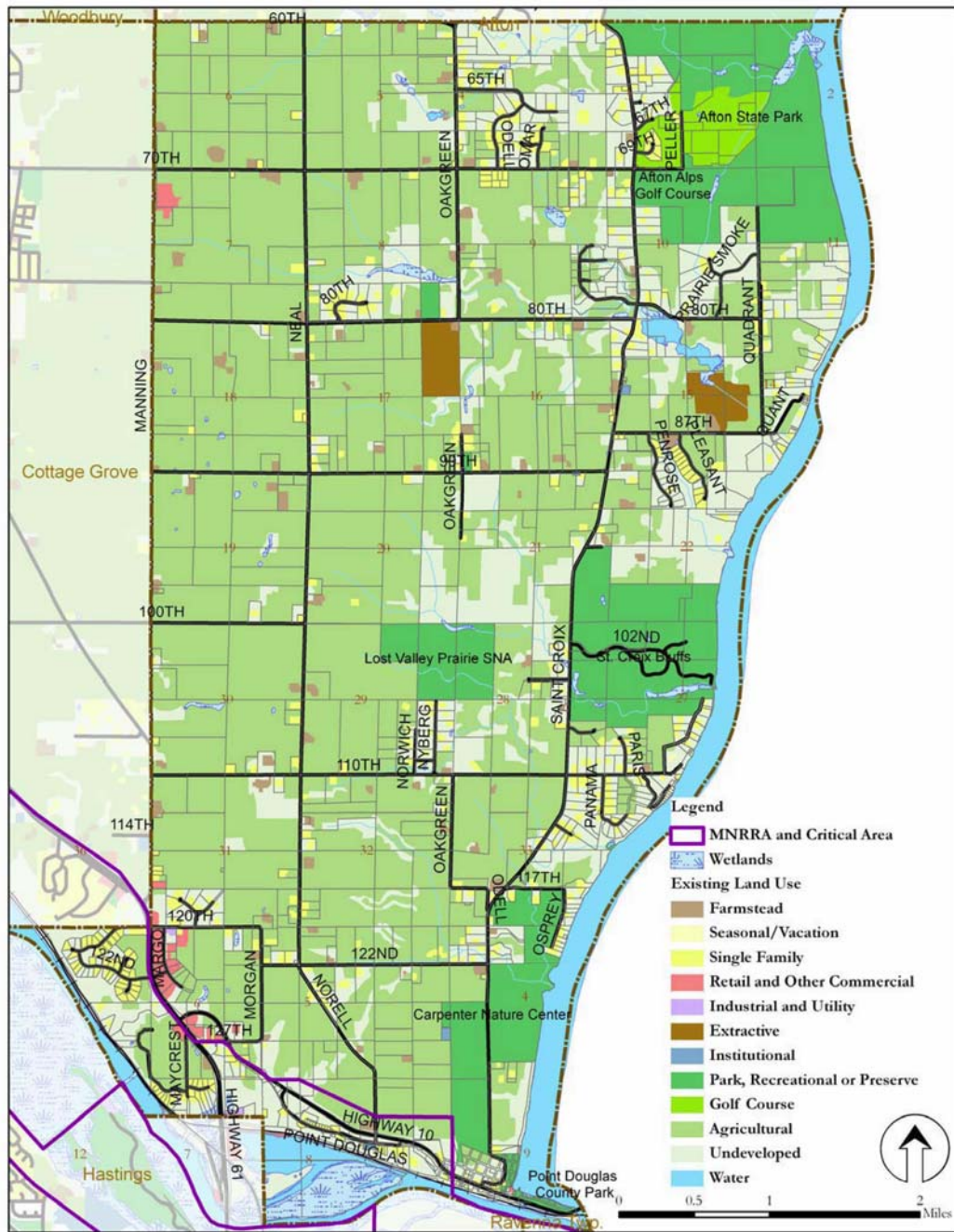


Figure 2. Existing Land Use (2005)

Source: Metropolitan Council

Denmark Township 2030 Comprehensive Plan



Figure 4: 2030 Planned Land Use

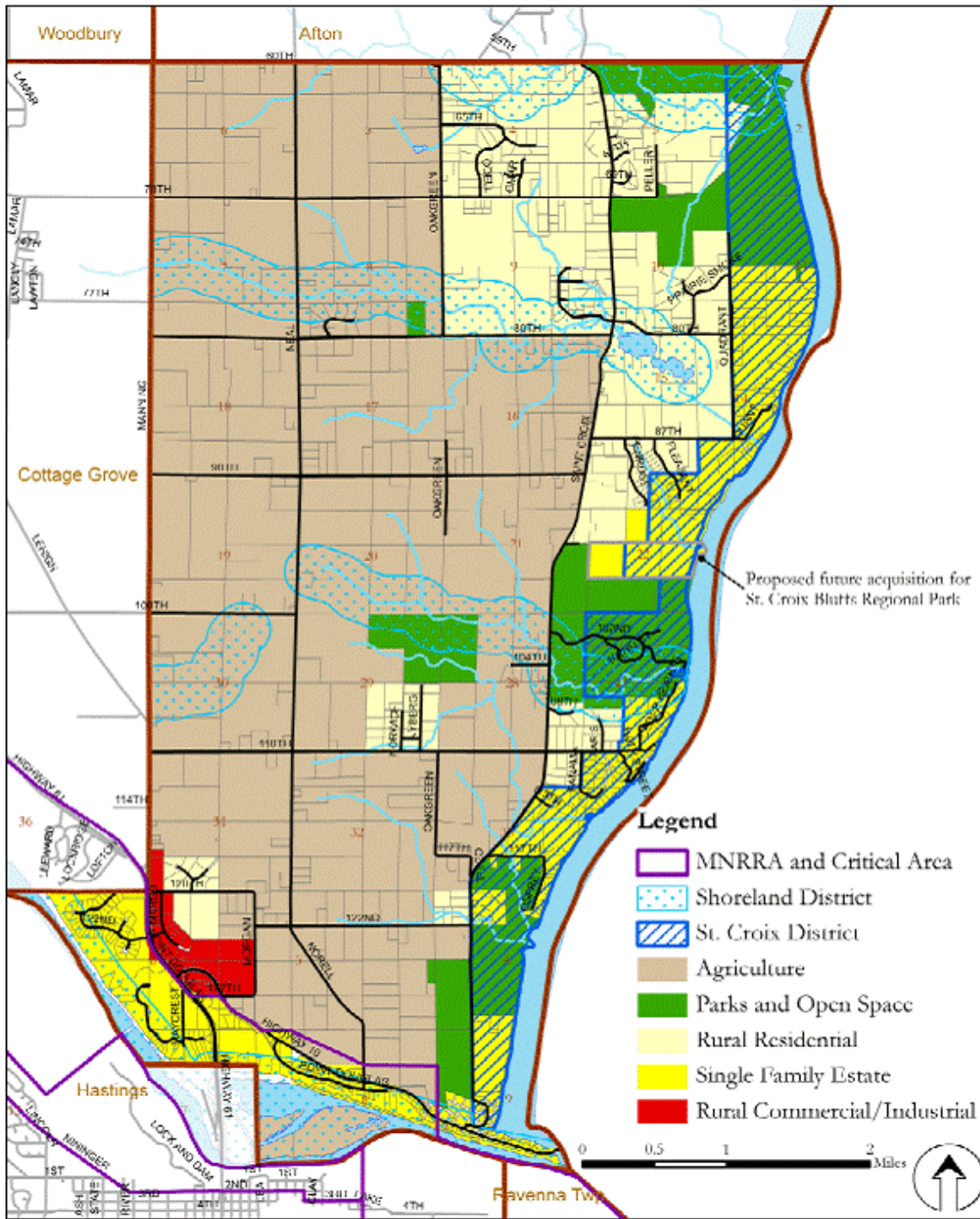


Figure 3. 2030 Planned Land Use

Denmark Township 2030 Comprehensive Plan

