

**C** Community Development Committee  
For the Metropolitan Council meeting of June 24, 2009

Item: 2009-192

**ADVISORY INFORMATION**

Date Prepared: June 16, 2009

Subject: Baytown Township Comprehensive Plan Update  
Review File No. 20447-1

**Proposed Action**

That the Metropolitan Council adopt the attached Advisory Comments and Review Record and take the following recommended actions:

**Recommendations of the Community Development Committee:**

1. Authorize Baytown Township to put its 2030 Comprehensive Plan Update into effect.
2. Change the geographic planning area designation for those areas outlined in Figure 6 of this report from Diversified Rural to Rural Residential.
3. Advise the Township:
  - a. To provide the Council with the dates that the watershed organizations approved the SWMP and the date that the Township adopts the final SWMP. The Township also needs to send a copy of the final adopted SWMP to the Council if it differs from the plan submitted in March 2009.
  - b. That the ordinances for the Flexible Development Overlay District need to be consistent with the Council's Flexible Residential Development Ordinance Guidelines.
  - c. To work with Council staff in the development of the ordinances for the Flexible Development Overlay District.

**Summary of Committee Discussion / Questions**

Senior Planner LisaBeth Barajas presented the report and the proposed actions to the Community Development Committee.

Council member Wulff asked larger lots had been included in the area to be re-designated from Diversified Rural to Rural Residential. Barajas explained that these areas had been previously guided for rural residential uses and that this area had not been identified for long-term wastewater services. Committee Chair Steffen added that when the current comprehensive plan had been allowed to be put into effect, Environmental Services staff had not yet completed the long-term wastewater services study, so that is part of the reason that some areas had been allowed to be developed at 2.5 acres and are difficult to serve now. The area that is in the study is what the Council feels we have the capacity to serve.

Council member Broecker asked whether the St. Croix Valley Wastewater Treatment Plan study meetings will develop as we go along. Barajas indicated that that was the plan and that Council staff intended on including all of the affected communities in that study.

The Committee unanimously adopted the proposed actions.



# Community Development Committee

**Business Item**

Item: 2009-192

Meeting date: June 15, 2009

ADVISORY INFORMATION	
<b>Subject:</b>	Baytown Township Comprehensive Plan Update Review File No. 20447-1
<b>District(s), Member(s):</b>	District 12, Council member Sherry Broecker, 651-486-0816
<b>Policy/Legal Reference:</b>	Minnesota Statute Section 473.175
<b>Staff Prepared/Presented:</b>	LisaBeth Barajas, Principal Reviewer, 651-602-1895 Phyllis Hanson, Local Planning Assistance Manager, 651-602-1566
<b>Division/Department:</b>	Community Development / Planning & Growth Management

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## ADVISORY COMMENTS

### Baytown Township 2030 Comprehensive Plan Update Review File 20447-1 – Council Business Item No. 2009-192

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 Town Board 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 plan within nine months after the Council’s final action. If the Council has recommended changes, local governments should incorporate those recommended changes into the Update or respond to the Council before “final approval” 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 plan 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 plan 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

Baytown Township is located in eastern Washington County on the shore of the St. Croix River. The Township is bounded by the City of Oak Park Heights to the north, the City of Bayport and the St. Croix River to the east, West Lakeland Township to the south, and the City of Lake Elmo to the west. The *2030 Regional Development Framework* (RDF) identifies the Township as a Diversified Rural community (see Figure 2).

The Township submitted its 2030 Comprehensive Plan Update (Update) to the Council for review to meet the Metropolitan Land Planning Act requirements (Minn. Stat. 473.175) and the Council's 2005 System Statement requirements.

## Rationale

1. Does the proposed Plan conform to Regional Systems Plans?
2. Is the Plan consistent with Metropolitan Council policies?
3. Is the Plan compatible with plans of adjacent governmental units and plans of affected special district and school districts?

### Conformance with Regional Systems Plans:

- |   |     |
|---|-----|
| 1. Regional Parks   | Yes |
| 2. Transportation including Aviation  | Yes |
| 3. Water Resources Management<br>(Wastewater Services and Surface Water Management) | Yes |

### Consistent with Council Policy Requirements:

- |  |                |
|--|----------------|
| 1. Forecasts   | Yes            |
| 2. Housing   | Yes            |
| 3. <i>2030 Regional Development Framework</i> and Land Use | Yes            |
| 4. Individual Sewage Treatment Systems (ISTS) Program      | Yes            |
| 5. Water Supply  | Not Applicable |

### Compatible with Plans of Adjacent Governmental Units and Plans of Affected Special Districts and School Districts

- |                                |     |
|--------------------------------|-----|
| 1. Compatible with other plans | Yes |
|--------------------------------|-----|

## Funding

None.

## Known Support / Opposition

There is no known opposition, but some communities have commented on compatibility as noted on page 8 of this report.

## **REVIEW RECORD**

### **Review of the Baytown Township 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 Update 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 conforms to the Council's 2030 *Regional Parks Policy Plan*. The Update acknowledges the planned Washington County Greenway Regional Trail.

##### **Transportation**

###### ***Roads and Transit***

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

The Update conforms to the 2030 *Transportation Policy Plan* and addresses all the applicable transportation and transit requirements of a comprehensive plan.

Although there are not any principal arterials within the Township, the community is served by several "A" minor arterial expanders and connectors. The Township lies within Transit Market Area IV. Service options for Market Area IV include dial-a-ride, volunteer driver programs, and ridesharing.

###### ***Aviation***

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

The Update conforms to the Aviation System Plan and is consistent with Council aviation policy.

##### **Water Resources Management**

###### ***Wastewater Service***

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

The Update conforms to the 2030 *Water Resources Management Policy Plan* (WRMPP). The Update represents the Township's guiding for future growth and development through the year 2030. The Township is entirely provided wastewater service through the use of individual sewage treatment systems (ISTSS). The only exception is a K-12 school, which is provided service by the City of Bayport though a joint powers

agreement, signed and executed in March 2008. The Update indicates that continued wastewater services will be primarily provided through the use of ISTS through the year 2030.

The Update does not propose nor anticipate requesting connection the Regional Wastewater Disposal system within the 20-year planning period. Therefore, the Township is not required to submit a Tier II Comprehensive Sanitary Sewer Plan for approval. The Metropolitan Council does not have plans to provide wastewater services to the community within the 2030 planning period.

The Update identifies an area in the north part of the Township that is part of the Boutwell's Landing senior living facility expansion that may be provided with sanitary sewer service within the 2030 planning period. The Update does not identify how services will be provided; however the City of Oak Park Heights draft comprehensive plan update identifies this area as a potential future annexation area and for potential future sanitary sewer services.

The Update identifies a Long Term Sewer Service Area (Urban Reserve) of nearly 977 net developable acres within the Township. This area is identified for future regional wastewater service, planned to be developed after 2030 and as sanitary sewer service is made available to them.

The Township has agreed to participate in a study of the St. Croix Valley Wastewater Treatment Plan, located in Stillwater. The Township proposes to re-designate areas of the community lying in the center of the Township from Rural Residential (1 unit per 5 acre) to Single Family Estates (SFE) (1 unit per 2.5 acres) prior to completion of the sewer study. The Township has agreed to use flexible development standards in the re-designated SFE area until the study is complete. This will be implemented through a Flexible Development Overlay District which will be in effect until completion of the study, but no later than December 31, 2012. The Overlay District is subject to a Flexible Development Ordinance to be completed as part of the Implementation Plan in cooperation with Council staff. The Township's commitment to the development of this Ordinance meets the requirements of the Council.

#### Advisory Comment

Prior to connection of this area to the Oak Park Heights wastewater system, the Township and the City will need to amend their Updates to reflect wastewater service to these parcels, whether it be through annexation or a joint powers agreement.

#### **Surface Water Management**

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

The Update conforms to the WRMPP for local surface water management. The City lies within the Valley Branch and Middle St. Croix watersheds. The Board of Water and Soil Resources (BWSR) approved the Valley Branch Watershed District's and the Middle St. Croix Watershed Management Organization's watershed management plans in 2005. The Township prepared a Surface Water Management Plan (SWMP) as a chapter of the Update in 2008.

The SWMP was reviewed under separate cover in September 2008. The Update includes a revised SWMP that was found to be consistent with Council policy and the Council's WRMPP.

#### Advisory Comment

The Township needs to provide the Council with the dates that the watershed organizations approved the SWMP and the date that the Township adopts the final SWMP. The Township also needs to send a copy of the final adopted SWMP to the Council if it differs from the plan submitted in March 2009.

## **CONSISTENCY WITH COUNCIL POLICY**

### **Forecasts**

*Reviewer: Dennis Farmer, CD - Research, (651-602-1552)*

The Update's forecast-related material is consistent with Council forecasts. The forecasts used throughout

the Update are consistent with the forecasts in the Township’s System Statement, as shown in Table 1 below.

**Table 1. Baytown Township System Statement Forecasts**

	2010	2020	2030
Population	1,820	1,960	2,160
Households	600	680	760
Employment	70	100	120

**2030 Regional Development Framework and Land Use**

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

The Update is consistent with the 2030 Regional Development Framework (RDF). The Update indicates that the Township is designated as a Diversified Rural community, but the Township is requesting that those areas already developed outside of the Long-Term Sewer Service Area be re-designated as Rural Residential.

Diversified Rural areas include a mix of a limited amount of large-lot residential development and clustered housing with agricultural and other rural land uses. The RDF directs communities to develop at residential densities no greater than 1 unit per 10 acres. The Update indicates that this designation does not fit those areas outside of the Long-Term Sewer Service Area as shown in Exhibit 11 (see attached) and outside of the Flexible Development Overlay as shown in the revised Exhibit 10, because they have been developed at 2.5-acre densities on ISTS. These areas are inconsistent with the 1 unit per 10 acre density required of Diversified Rural areas, and also difficult to plan for future provisions of public services such as sewer and water.

Council staff finds the Township’s request to re-designate those areas guided Single Family Estate outside of the post-2030 Long-Term Sewer Service Area and outside of the Flexible Development Overlay (as shown in Figure 6 attached to this report) to be reasonable and supports the Township’s request for a change in geographic planning area designation from Diversified Rural to Rural Residential for these areas.

Flexible Development Overlay Area

Portions of the Township have been identified as Long-Term Wastewater Service Areas in the Council’s 2030 Water Resources Management Plan. The Update has guided these areas as “Single Family Estate” with a density of 16 units per 40 acres and with a Flexible Development Overlay. The Flexible Development Overlay District is described by the Update as requiring the implementation of a flexible development ordinance consistent with the Council’s Flexible Development Ordinance Guidelines. The Township has committed to working with Council staff to develop ordinances for this area that are consistent with the Council’s Flexible Residential Development Ordinance Guidelines.

As discussed under the Wastewater Service section, the Council will be conducting a service feasibility study for the St. Croix Valley Wastewater Treatment Plant. These ordinances will be implemented to ensure that the opportunity for future wastewater service extension is not lost during the time that the St. Croix Valley Wastewater Treatment Plant feasibility study is being conducted. The results of that study may require that the Township amend the Update.

Post-2030 Sewered Areas

The Township has designated land in the southwest adjacent to the City of Lake Elmo, in the north adjacent to the City of Oak Park Heights, and in the east adjacent to the City of Bayport for post-2030 sewer services. A small area adjacent to Oak Park Heights is also designated for pre-2030 sewer services. The Township has provided future post-2030 guiding for these areas at increased land use intensity, with residential densities ranging from 8 to 15 units per acre, along with commercial and institutional uses.

In the interim, these areas are guided for Public, Semi-Public (Airport), Commercial Food Product (1 unit/40 acres), Agriculture (4 units/40 acres), and Institutional uses, which are consistent with the Council's density policy of one unit per 10 acres for Diversified Rural areas. The Update indicates that proposals for development prior to 2030 may require the developer to ghost plat the development in order to ensure eventual high density development at such times that public services are available.

There are some properties in the southeast part of the City that are designated as Rural Residential with a maximum density of 1 unit per 5 acres, and Single Family Estate (16 units/40 acres). These areas had been previously guided at these same densities under the Township's 2020 Land Use Plan and are not proposed to change in this Update. The Update is otherwise consistent with the Council's policies for Diversified Rural areas for those affected areas.

#### Advisory Comment

As discussed in the Update, the Township needs to collaborate with Council staff to development ordinances for the Flexible Development Overlay area that are consistent with the Council's Flexible Residential Development Ordinance Guidelines.

#### **Housing**

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

The Update fulfills the affordable housing planning requirements of the Metropolitan Land Planning Act. The Update appropriately acknowledges that the Township is not required to have a share of the region's affordable housing allocation, but addresses the Township's responsibility for providing a diversity of housing types, including affordable, within the community. The Update describes the tools that the community will use to accomplish these goals including working with Washington County, participating in programs to enhance housing opportunities for seniors, and encouraging rehabilitation of the existing housing stock.

#### **Community and Individual Sewage Treatment Systems (ISTS)**

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

The Update is consistent with the WRMPP requirements for ISTS. The entire community is served by ISTS, with approximately 537 systems in operation within the Township as of January 2009. The Township has contracted with Washington County to provide full ISTS program oversight within the community. The County's Ordinance 128 is consistent with MPCA Rules and with Council policy requirements.

#### **Water Supply**

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

The Township does not own or operate a water supply system, and so is not required to complete a water supply plan.

#### **Resource Protection**

##### ***Historic Preservation***

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

The Update appropriately addresses historic preservation in the community. The Update identifies historic properties and steps that the Township and its citizens can take to preserve those resources.

##### ***Solar Access Protection***

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

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

##### ***Aggregate Resources Protection***

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

The Update is consistent with Council policy for the protection of aggregate resources. The Update



identifies the location of known sand and gravel aggregate resources within the community, consistent with the Council's Aggregate Resources Inventory. There are two active mining operations in the Township operating under Conditional Use Permits. Aggregate Resources Goals and Policies presented in the Update address the need to protect aggregate resources and to minimize land use conflicts and environmental impacts.

## **PLAN IMPLEMENTATION**

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

The Update includes a description of and schedule for any necessary changes to:

- Capital Improvement Program Yes
- Zoning Code Yes
- Subdivision Code Yes
- ISTS Code Yes
- Housing Implementation Program Yes

The Update contains an implementation section, which describes the official controls and fiscal devices that the Township will employ to implement the Update. The Update contains the Township's existing zoning map and describes policies for making changes to that map. Because the Township does not have any pending or proposed public projects or facilities, the Township does not currently have a capital improvement program. The Implementation Plan describes the community's financial planning policies for maintenance of roadways.

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

The City submitted its Update to the adjacent communities, county and affected school districts, affected watershed districts, and other special districts for comment on June 13, 2008. The Township should note the concerns of Washington County and the Minnesota Department of Health regarding increased densities in the 12.5 square-mile Special Well Construction Area due to the 1,1,2-trichloroethylene (TCE) that has contaminated the groundwater in that area.

## **DOCUMENTS SUBMITTED FOR REVIEW**

- Baytown Township 2030 Comprehensive Plan Update (December 31, 2008)
- Comprehensive Plan with revisions to Transportation, Individual Sewage Treatment Systems, Land Use, and Wastewater Services (March 3, 2009)
- Comprehensive Plan with revisions to Land Use and Implementation (May 6, 2009)

## **ATTACHMENTS**

- Figure 1: Location Map with Regional Systems
- Figure 2: 2030 Regional Development Framework Planning Areas
- Figure 3: Existing Land Use
- Figure 4: Existing Land Use Plan
- Figure 5: 2030 Future Land Use
- Figure 6: Geographic Planning Area Changes
- Figure 7: Existing & Future Land Use Table

FIGURE 1: LOCATION MAP WITH REGIONAL SYSTEMS  
 Baytown Township

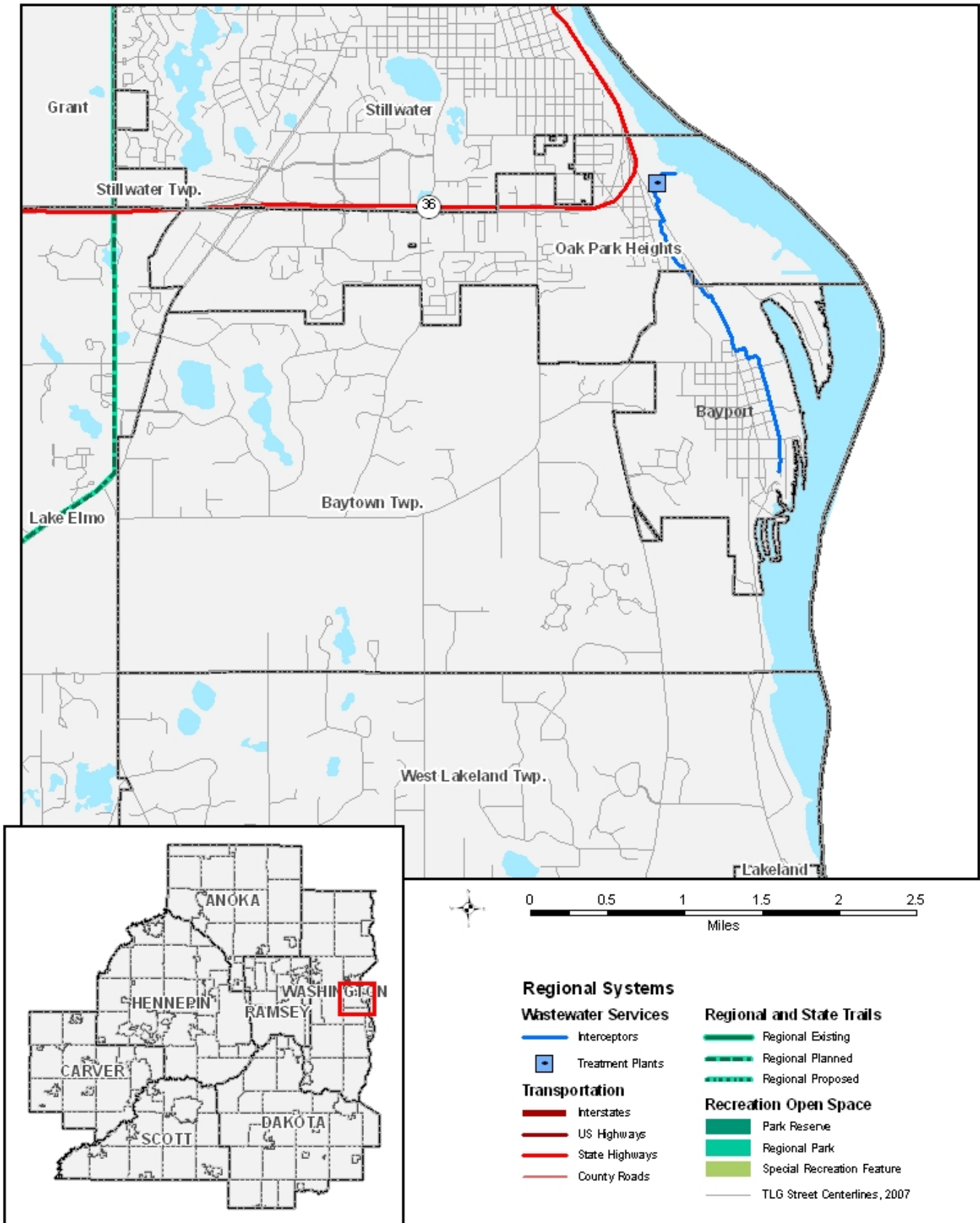


FIGURE 2: 2030 REGIONAL DEVELOPMENT FRAMEWORK PLANNING AREAS  
 Baytown Township

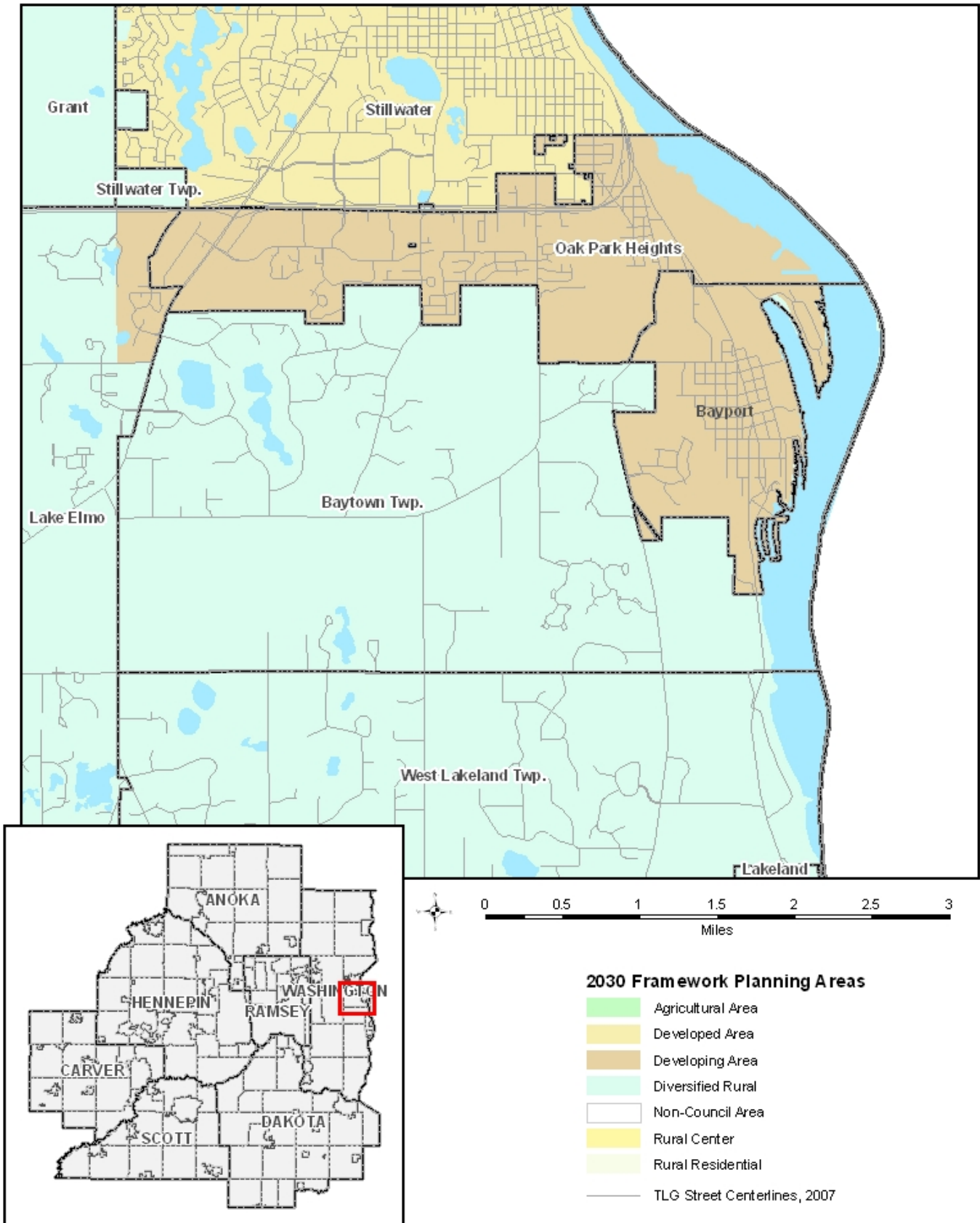


FIGURE 3: EXISTING LAND USE

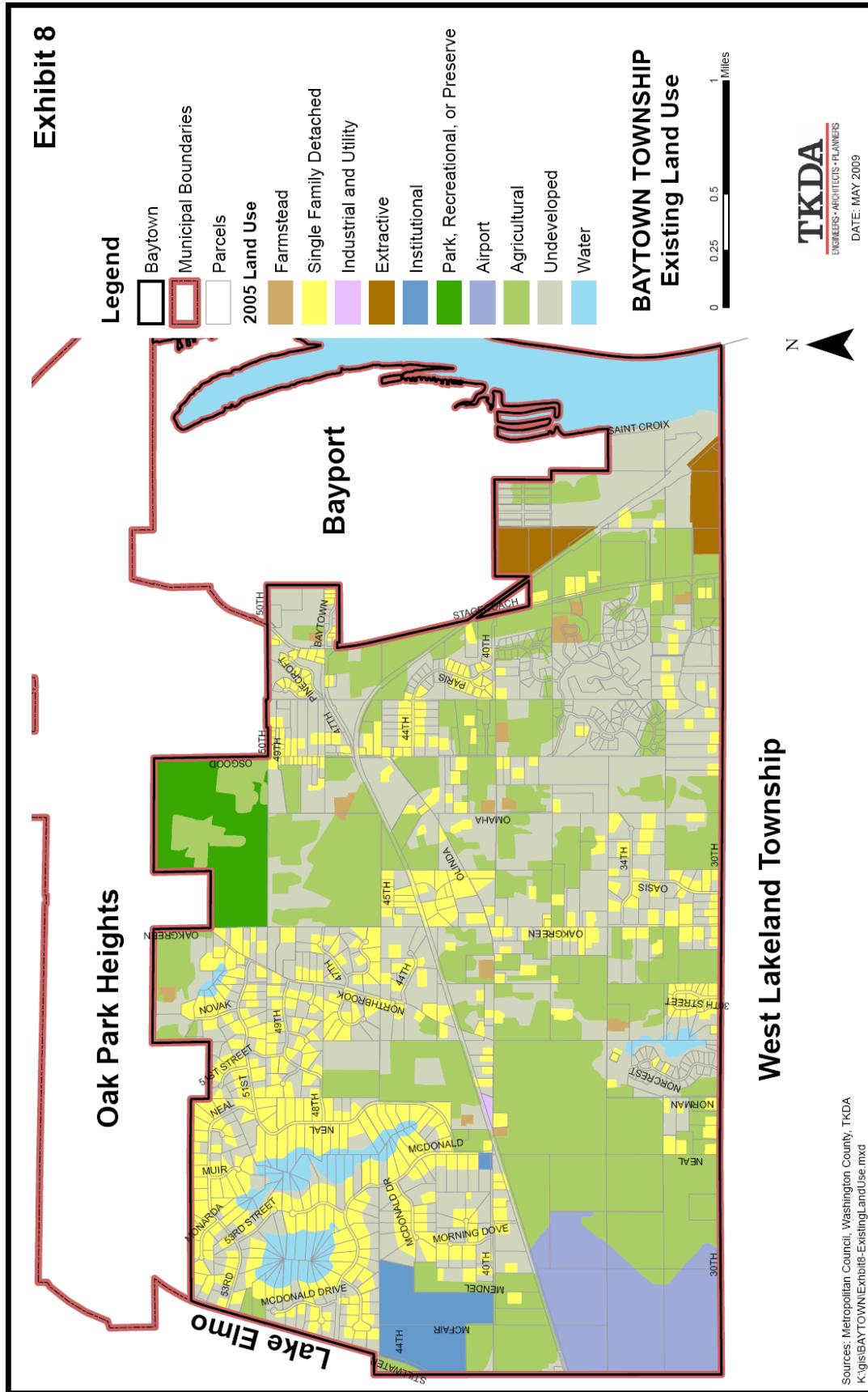


FIGURE 4: EXISTING LAND USE PLAN

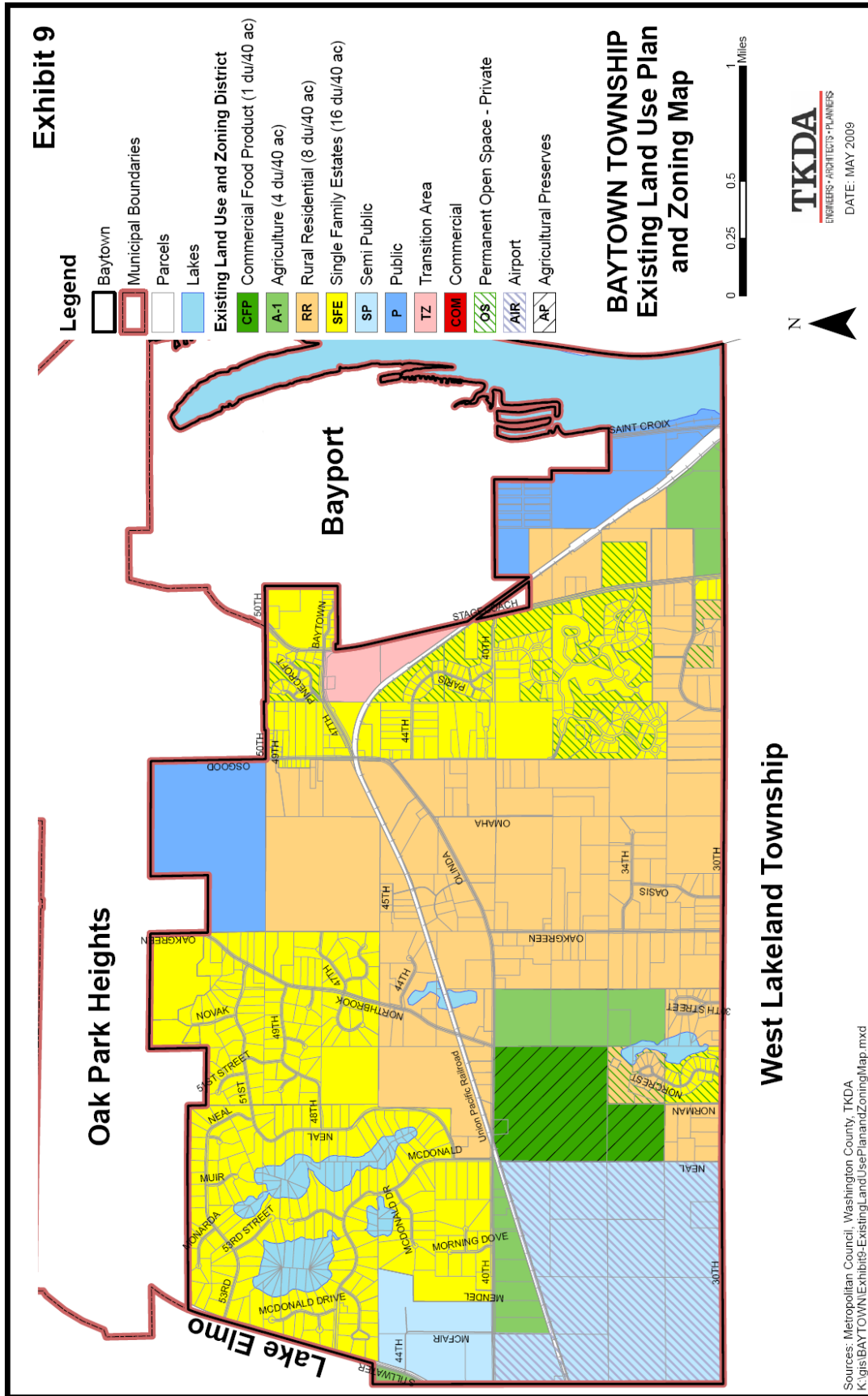


FIGURE 5: 2030 LAND USE PLAN

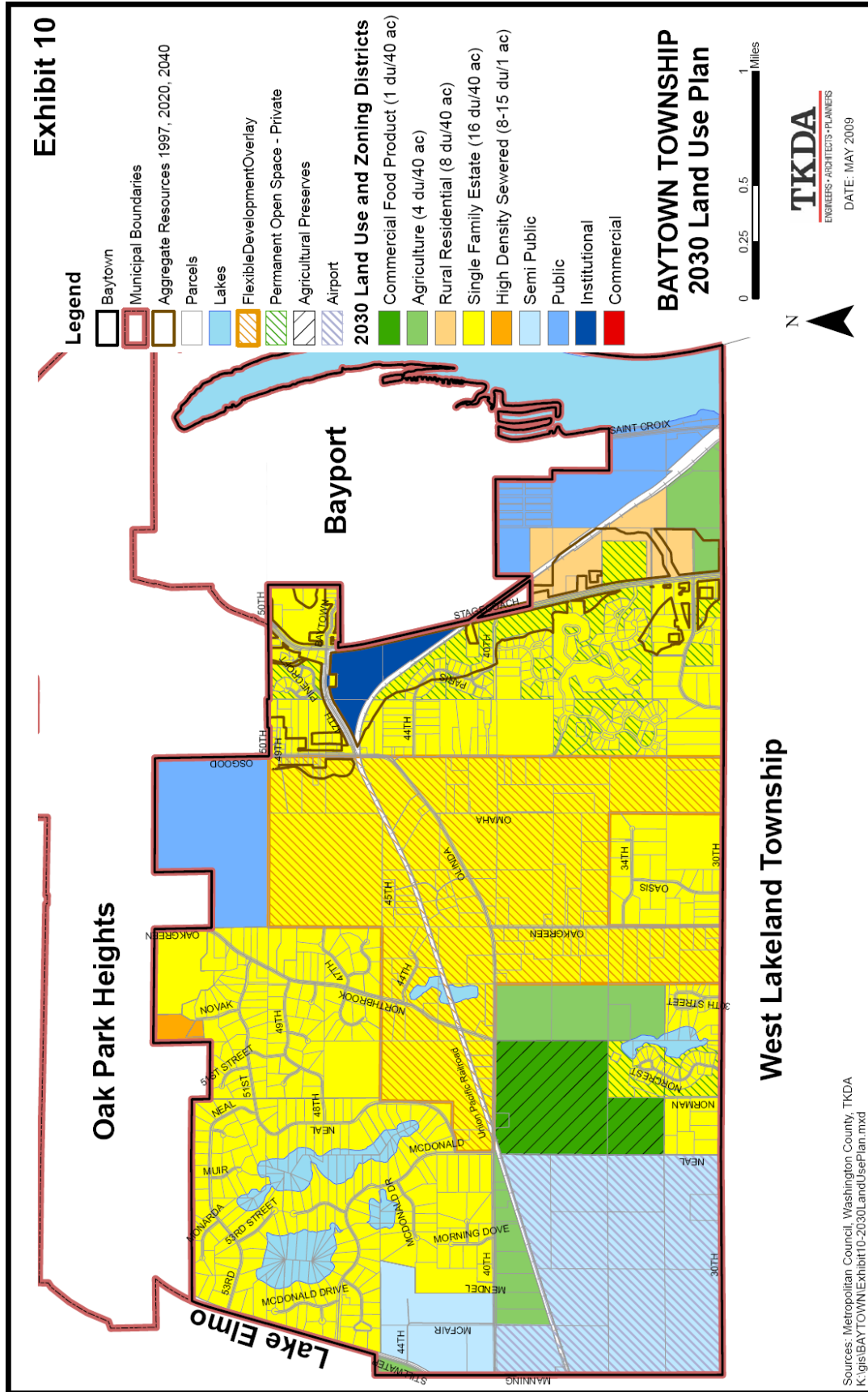


FIGURE 6: GEOGRAPHIC PLANNING AREA CHANGES (outlined in purple)

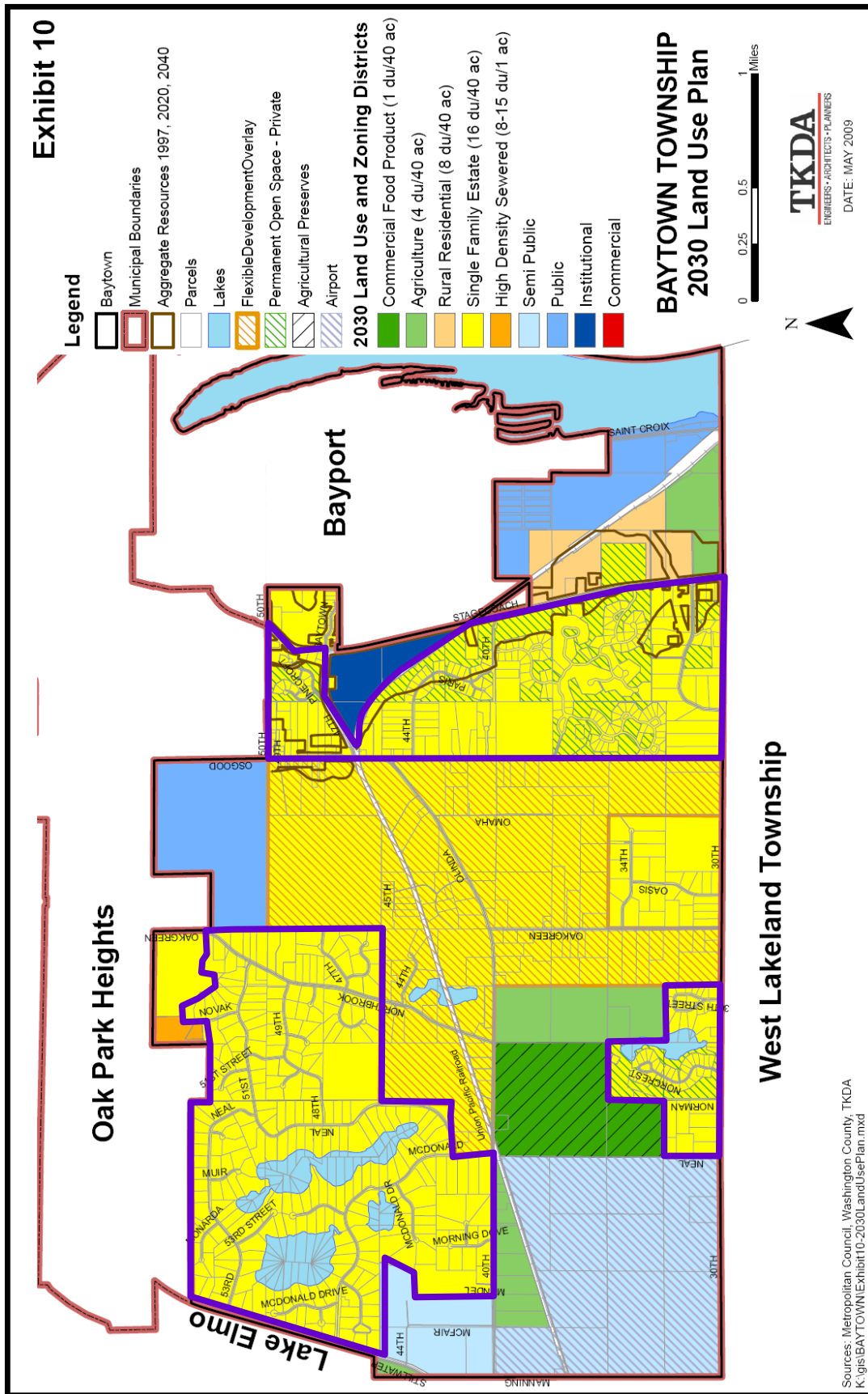


FIGURE 7: EXISTING & FUTURE LAND USE TABLES

**Table 3:  
Existing Land Use**

<b>Land Use Designation</b>	<b>1997 Acres</b>	<b>Land Use Designation</b>	<b>2005 Acres</b>
Vacant and Agriculture minus wetlands	3,492	Agricultural	1,689
Isolated Farm Residential	45	Farmstead	38
Single Family Residential	771	Single Family Detached	998
Industrial & Industrial Vacant	21	Industrial and Utility	3
Extractive	64	Extractive	83
Public & Public vacant	261	Institutional	108
Commercial	9	Park, Recreation, Preserve	149
Highway	12	Airport	271
Airport	554	Undeveloped	1,834
Wetlands	159	Water	692
Water	691	<b>Total</b>	<b>5,865</b>
<b>Total</b>	<b>6,079</b>		

*Source: Metropolitan Council (1997 and 2005 land use data), TKDA*

**Table 4:  
Future Land Use**

<b>Land Use Designation</b>	<b>Existing Land Use Acres</b>	<b>2030 Land Use Acres</b>	<b>Post-2030 Land Use Acres</b>
Commercial Food Product	200	200	200
Agriculture	254	254	191
Rural Residential	1,735	107	62
Single Family Estates	1,933	3,532	3,428
High Density Sewered	0	17	349
Semi Public	667	667	426
Public	376	376	376
Institutional	0	71	71
Commercial	0	0	121
Transition	59	0	0
	<b>5,224</b>	<b>5,224</b>	<b>5,224</b>

*Source: Metropolitan Council, TKDA*

*\* Total acres previously discussed equal 5,865 acres. These acres include water (St. Croix River, lakes, and wetlands), which are not included in the calculations above.*