

J Community Development Committee Environment Committee

For the Metropolitan Council meeting of January 27, 2010

ADVISORY INFORMATION

Date Prepared:

Subject: City of Elko New Market 2030 Comprehensive Plan Update
Review File No. 20433-1
Tier II Comprehensive Sewer Plan

Proposed Action:

That the Metropolitan Council adopt the attached Advisory Comments and Review Record, and the following:

1. Authorize the City of Elko New Market to put its 2030 Comprehensive Plan Update into effect.
2. Advise the City that it must submit Comprehensive Plan Amendments as it annexes property, or when it enters into an Orderly Annexation Agreement with the surrounding township.
3. Advise the City that it is required to participate in the Council's plat monitoring program beginning in 2010 and must submit annual reports to the Council consistent with Council guidelines.
4. Approve the City of Elko New Market's Tier II Comprehensive Sewer Plan.

Summary of Committee Discussion / Questions:

Community Development Committee

There were no questions or discussion. Motion to accept the City of Elko New Market's Comprehensive Plan Update was made, seconded, and passed unanimously.

Environment Committee

Council Member Wulff asked for clarification regarding areas outside the City. Staff confirmed that because there are no annexation agreements, the areas outside of the current City borders have no binding obligations for services on the property owners until annexation agreement(s) are reached. Motion to approve the City of Elko New Market's Tier II Comprehensive Sewer Plan was made, seconded, and passed unanimously.

C Community Development Committee
Meeting date: January 19 , 2010

E Environment Committee
Meeting date: January 12 , 2010

ADVISORY INFORMATION

Date:	December 28, 2009
Subject:	City of Elko New Market 2030 Comprehensive Plan Update Review File No. 20433-1 Tier II Comprehensive Sewer Plan
District(s), Member(s):	District 4, Councilmember Craig Peterson
Policy/Legal Reference:	Minnesota Statutes Section 473.175
Staff Prepared/Presented:	Tom Caswell, Principal Reviewer (651-602-1319) Phyllis Hanson, Local Planning Assistance Manager (651-602-1566) Kyle Colvin, Engineering Services Asst. Manager (651-602-1151)
Division/Department:	Community Development/Planning and Growth Management Environmental Services/Engineering Services

Proposed Action

That the Metropolitan Council adopt the attached Advisory Comments and Review Record, and the following:

Recommendation of the Community Development Committee:

1. Authorize the City of Elko New Market to put its 2030 Comprehensive Plan Update into effect.
2. Advise the City that it must submit Comprehensive Plan Amendments as it annexes property, or when it enters into an Orderly Annexation Agreement with the surrounding township.
3. Advise the City that it is required to participate in the Council's plat monitoring program beginning in 2010 and must submit annual reports to the Council consistent with Council guidelines.

Recommendation of the Environment Committee:

Approve the City of Elko New Market's Tier II Comprehensive Sewer Plan.

ADVISORY COMMENTS

City of Elko New Market 2030 Comprehensive Plan Update and Tier II Comprehensive Sewer Plan

Review File No. 20433-1– Council Business Item No. 2010-18

The following Advisory Comments are part of the Council action authorizing the City to implement its 2030 Comprehensive Plan Update (“Update”) and approving the City’s Tier II Comprehensive Sewer Plan:

Community Development Committee

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

Environment Committee

1. The Council-approved Tier II Comprehensive Sewer Plan becomes effective only after the Update also receives final approval by the City’s governing body. After the Update receives final approval by the City and the Tier II Sewer Plan becomes effective, the City may implement its Update to alter, expand or improve its sewage disposal system consistent with the Council-approved Tier II Sewer Plan.
2. A copy of the City Council Resolution adopting its Update, including the Tier II Sewer Plan, must be submitted to the Council.

Background

The City of Elko New Market is located in Scott County, surrounded by New Market Township (see Figure 1). The City is the result of the merger of the Cities of Elko and New Market in January 2007.

The *2030 Regional Development Framework (RDF)*, as amended in December 2006, identifies the City as located within the "Rural Center" geographic planning area, (see Figure 2).

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 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 | Yes |

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

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

Funding

The City of Elko New Market received a Local Planning Assistance Grant of \$20,000 in August 2007.

Known Support / Opposition

There is no known opposition.

REVIEW RECORD

City of Elko New Market *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

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

The Update is in conformance with the *2030 Regional Parks Policy Plan (RPPP)*. There are no existing or planned regional parks or trails in Elko New Market. The Update references a trail search corridor proposed by Scott County, a portion of which is located in Elko New Market. The trail search corridor will connect the Blakely Bluffs Regional Park Search Area in southwestern Scott County to regional parks and trails in Dakota County. The *RPPP* Plan has not designated this as a regional trail search corridor; however, Scott County may seek regional status for the trail during the next Parks Policy Plan update process. The Update properly acknowledges the status of this trail search corridor.

Transportation

Reviewer: Ann Braden (MTS-Systems Planning (651-602-1711)

The Update is in conformance with the *Transportation Policy Plan (TTP)* adopted in 2004, and addresses all the applicable transportation and transit requirements of a comprehensive plan. There are no metropolitan highways within the city. Elko New Market is outside the Metropolitan Transit Taxing District and has no regular route transit service. The City is in transit Market Area IV which includes dial-a-ride, volunteer driver programs, and ridesharing. Rural dial-a-ride service is provided by Scott County.

Aviation

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

The Update is in conformance with the 2030 TTP (2004) for aviation and is consistent with Council aviation policies.

Water Resources Management

Wastewater Service

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

The Update is in conformance with the 2030 Water Resources Management Policy Plan (WRMPP). The Update summarizes the City’s vision for the next 20 years or to year 2030. It includes growth forecasts that are consistent with the Council’s forecasts for population, households, and employment.

The Metropolitan Council Environmental Services (MCES) will be providing wastewater treatment services to the City in the future. All wastewater generated within the City is currently conveyed to and treated at a locally owned and operated wastewater treatment facility. The Council is currently constructing interceptor system improvements that will enable the City to phase out the local wastewater treatment facility and divert sanitary wastewater flow to the regional disposal system. Interceptor system improvements are scheduled to be completed in mid 2011, with phase-out of the local wastewater treatment facility to be completed shortly thereafter. Once the treatment plant is phased out all wastewater generated within the City will be conveyed to, and treated at, the Metropolitan Council’s Empire Wastewater Treatment Plant in Empire Township. The City will be provided wastewater conveyance service through interceptor 8016. The Update projects that the City will have 8,000 sewer households and 1,250 sewer employees by 2030. The Metropolitan Disposal System with its planned scheduled improvements has or will have adequate capacity to serve the City’s growth needs.

The Update provides sanitary flow projections in 10-year increments. The rationale for the projections is given in the Update and determined appropriate for planning for local services.

Elko New Market is not currently identified as a community impacted by wet weather occurrences. However the Update does include a description of an I/I reduction plan which includes a study to determine the level of I/I in the City’s collection system. If there is a correlation found between I/I and sump pump use, an inspection program will be considered that would disconnect sump pump discharge lines from the sanitary sewer system. The City has an ordinance that prohibits the connection of roof downspouts, foundation drains, areaway drains, surface runoff and groundwater to a building sewer or indirectly to the sanitary sewer system. Once the connection to the regional disposal system is completed and service is established, the City will be expected to maintain peak flow discharges within MCES standards.

Tier II Comments

The Tier II Sewer Element of the Update has been reviewed against the requirements for Tier II Comprehensive Sewer Plans for rural growth center communities. It was found to be complete and 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 Plan needs to be submitted to the Metropolitan Council for its records.

Surface Water Management

Reviewer: Judy Sventek, ES-Water Resources Assessment (651-601-1156)

The Update is in conformance with the *WRMPP* for local surface water management. The City of Elko New Market lies within the Scott County and Vermillion River Watersheds. The Scott County watershed management plan was approved by the Board of Water and Soil Resources (BWSR) in 2004. The Vermillion River Watershed Joint Powers Board plan was approved by BWSR in 2005.

Elko New Market updated its Comprehensive Surface Water Management Plan (CSWMP) in 2008.

The City’s draft CSWMP was reviewed by the Council in January 2008. A revised CSWMP dated April 2008 was reviewed in June 2008. The text in the Update references the April 2008 CSWMP and includes the entire CSWMP as Appendix E. Council staff found the CSWMP to be consistent with Council policy and the Council’s *Water Resources Management Policy Plan*. Council staff also found that the revised plan met the Council’s 2008 expectations for local surface water management plans.

CONSISTENCY WITH COUNCIL POLICY

Forecasts

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

The Update is consistent with Council expectations and regional policy for forecast-related content.

The 2030 Update provides consistent Metropolitan Council forecasts for the City of Elko New Market (shown in the table below), and the document’s use of Council forecasts for the City is consistent throughout the *Population and Housing, Transportation, Parks and Trails, and Public Facilities* chapters.

Elko New Market System Statement Forecasts

	2000	2010	2020	2030
Population	804	5,700	13,100	20,800
Households	286	2,120	4,850	8,000
Employment	248	400	900	1,250

Regional Development Framework and Land Use

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

The Update, with the supplemental materials, is consistent with the *2030 Regional Development Framework (RDF)*, which designates the City as a Rural Center. Through the Update process, the City has requested to be designated as a Rural Growth Center. Rural Growth Centers are directed to accommodate growth in a flexible, connected, and

efficient manner, and plan for sewer residential development at densities of at least 3 to 5 units per acre or higher, while retaining densities of one dwelling per 40 acres in surrounding Agricultural areas.

As a Rural Growth Center, the City is forecasted to accommodate increased growth. In 2000, the City had a population of 804 and 286 households. By 2030, the City is forecasted to grow to 8,000 households and 20,800 residents. Because the area within the City's current corporate boundaries does not provide sufficient land to accommodate the forecasted growth, the Update considers areas outside of the corporate boundaries currently within New Market Township for potential annexation.

The Update identifies a proposed Undesignated Metropolitan Urban Service Area (MUSA) Reserve boundary (see Figure 4), in which the City plans to accommodate forecasted growth through 2030. The Reserve includes approximately 3,235 acres beyond the 1,884 acres currently within the City. Presented in 2005 with the review of the Southeast Scott County 2004 Comprehensive Plan (Business Item No. 2005-41, Review File No. 19360-2), the Undesignated MUSA Reserve designates the acres, types, and density of land uses, and local/regional service levels for each five-year stage through the year 2030, but with the exact location of each stage unspecified.

At this time, the City does not have an orderly annexation agreement with New Market Township, and Scott County is responsible for planning and zoning in the Township. The County's Update, reviewed February 25, 2009 by the Council (Business Item No. 2009-49) guides these areas within the City's undesignated MUSA boundary as "Urban Expansion," which holds development at densities no greater than one unit per 40 acres. Until such time as land is annexed into the City, the County's designation will remain as Urban Expansion. The City's Update recognizes this designation and uses it as a tool to manage growth in the community and to maintain agricultural and rural areas outside of the City.

Using the forecasted household growth, the Update projects the gross acreage of land that would be needed for each land use category in five-year increments. In this analysis, the City also plans for additional acreage to provide flexibility in responding to the market. Based on this analysis, the City has guided land to accommodate future residential growth.

The Update guides 1,931 net acres for Low Density Residential, 1,016 net acres for Residential Mixed Use, and 109 acres for the residential portion of the Town Center area. The Low Density Residential and Residential Mixed Use districts are planned to be primarily residential areas, with some neighborhood commercial areas allowed in the Residential Mixed Use as part of an approved planned unit development (PUD). The Town Center district is intended to allow a wider variety of uses to support the existing downtowns prior to the merger of the separate Cities of Elko and New Market. This district is guided to maintain the average land use distributions of 50% attached and multi-family homes, 5% single family homes, and 45% commercial uses. As shown in Table 1 below, areas planned for future development through 2030 result in a net density of 3.1 units per acre.

Table 1. Net Residential Density

Category	Density Range**		Net Acres*	Min Units	Max Units
	Min	Max			
Low Density Residential	2	5	1931	3862	9655
Residential Mixed Use	5	15	1016	5080	15240
Town Center	5	10	109	545	1090
TOTALS			3056	9487	25985
Overall Density				3.10	8.50

* Net acreages found in Table 18-B in the Update.

** Density ranges provided in supplemental materials received October 15, 2009.

Advisory Comments

The City shall participate in the Council’s plat monitoring program and to submit annual reports to the Council beginning in 2010.

Housing

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

The housing element fulfills the housing planning requirements of the Metropolitan Land Planning Act. The Update acknowledges the City’s share of the region’s affordable housing need for 2011-2020 which is 456 units. To provide opportunities to meet this need the Update indicates that approximately 17 acres of land will be available for higher density residential development at 5-10 units per acre, within the Town Center District, and 80 acres will be available for higher density residential development at 5-15 units per acre, within the Residential Mixed Use District. The Update provides the implementation tools and programs the City will use to promote opportunities to address its share of the region’s housing need. The City will continue to partner with the Scott County HRA to address lifecycle and affordable housing needs. The Update indicates the City will continue to work with local, state and federal agencies to facilitate affordable housing development, and will provide City funds and make use of local tools such as tax increment financing and tax exempt bonds for affordable housing projects. Elko New Market is a participant in the Local Housing Incentives Program of the Livable Communities Act.

Individual Sewage Treatment Systems (ISTS)

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

The Update is consistent with the *WRMPP* for ISTS. The Update indicates that there are approximately 90 ISTS in operation within the City. Responsibility for program oversight has been delegated to Scott County. The County’s Individual/Community Sewage Treatment System Ordinance Number 4 is consistent with MPCA Rules and Council policy requirements.

Water Supply

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

The Update is complete and consistent with the Council's Water Resources Policy Management Plan. The Council encourages the City to continue to promote the wise use of water to reduce residential water use.

Resource Protection

Historic Preservation

Reviewer: Tom Caswell, CD-Local Planning Assistance (651-602-1319)

The Update contains a section on Historic Preservation as required by the MLPA.

Solar Protection

Reviewer: Tom Caswell, CD-Local Planning Assistance (651-602-1319)

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

Aggregate Resource Protection

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

The Update contains a section on aggregate resources protection as required by the MLPA. It indicates that there are areas of natural aggregate resources within New Market Township and the southeast portion of the City, consistent with *Minnesota Geological Survey Information Circular 46*. Natural Resource Goal 6 in the Update calls for the preservation and protection of non-metallic resource deposits for future access to and mining, prior to development, where appropriate.

PLAN IMPLEMENTATION

Reviewer: Tom Caswell, CD-Local Planning Assistance (651-602-1319)

The Update includes a description of:

- Capital improvement Program Yes
- Zoning Code Yes
- ISTS (referenced) Yes
- Housing Implementation Programs Yes

The Update includes a description of the future land use categories and related residential densities, the zoning map and the capital improvement program.

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

The City submitted the draft Update to adjacent local units of government, school districts, counties and special districts for comment on June 4, 2008.

DOCUMENTS SUBMITTED FOR REVIEW

- The 2030 Elko New Market Comprehensive Plan, December 11, 2008
- Supplemental material, Revised June 26, 2009
- Supplemental material, Revised October 12, 2009

ATTACHMENTS

- Figure 1: Location map of regional systems
- Figure 2: 2030 Regional Development Framework
- Figure 3: Existing Land Use Map
- Figure 4: 2030 Future Land Use Map

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Joint REPORT.doc

**Figure 1. Location Map Showing Regional Systems
Elko New Market**

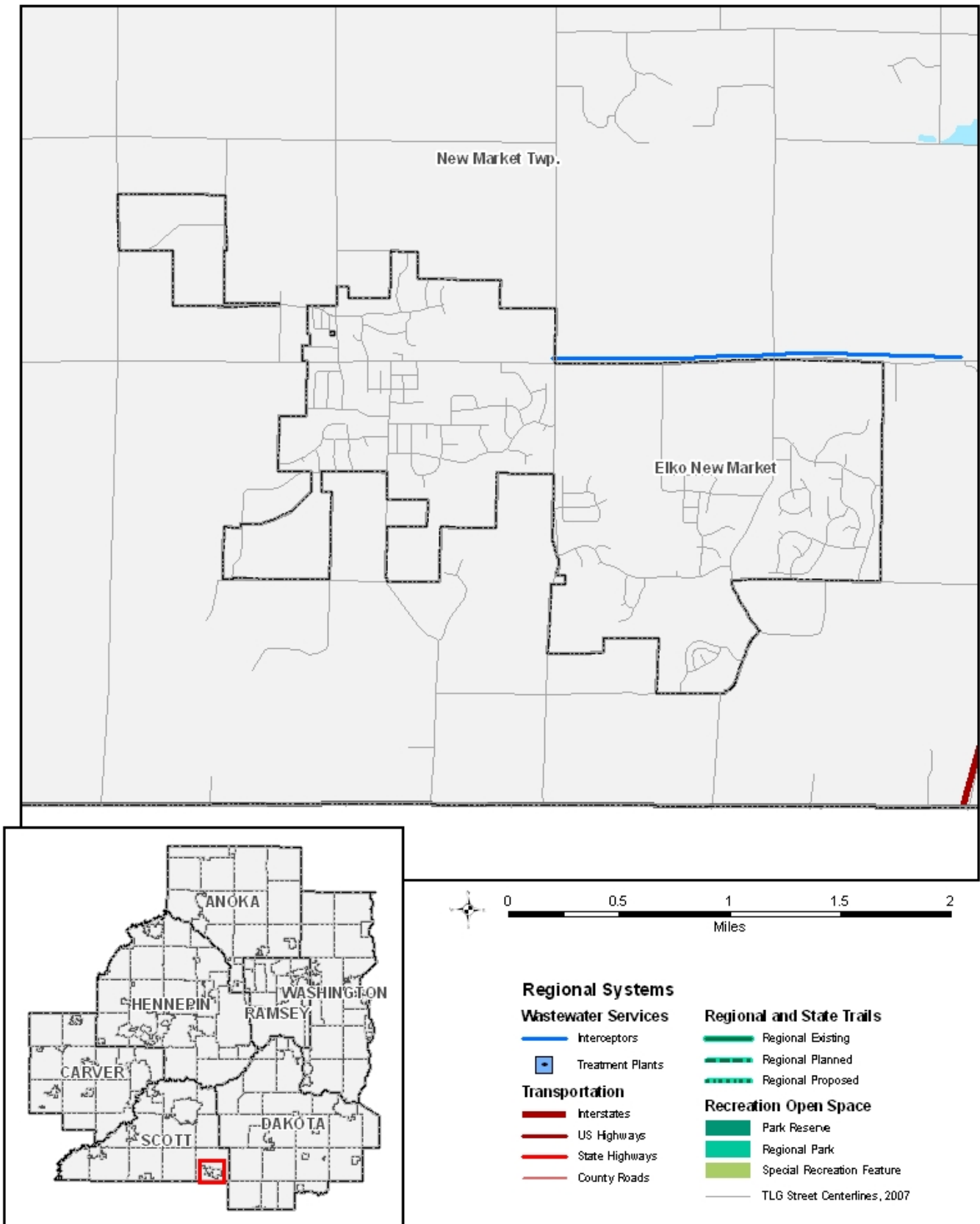


Figure 2. 2030 Regional Development Framework Planning Areas

Elko New Market

