

J Community Development Committee Environment Committee

For the Metropolitan Council meeting of May 26, 2010

ADVISORY INFORMATION

Date Prepared: May 18, 2010

Subject: City of Carver Comprehensive Plan Amendment
Review File No. 20325-2
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 Carver to put its Comprehensive Plan Amendment (CPA) into effect for lands within the existing city limits and those portions of Dahlgren Township for which the City has existing Orderly Annexation Agreements (OAA).
2. Change the Regional Development Framework (RDF) planning designation for the City of Carver and that portion of Dahlgren Township covered by the OAA from Rural Growth Center to Developing.
3. Remind the City that it is required to participate in the Council's plat monitoring program beginning in 2009 and must submit annual reports to the Council consistent with Council guidelines.
4. Approve the City of Carver's Tier II Comprehensive Sewer Plan.

Summary of Committee Discussion / Questions:

Community Development Committee

Jim Uttley presented an overview of the staff report and recommendations to the Committee. He provided details about two exceptions in boundary configuration that Council Member Wulff had asked about at the Environment Committee. He noted that the small island of Township land is wholly owned by the City and that the other larger area is owned by the US Fish & Wildlife Service and DNR and will remain in permanent open space. Council Member Bowles asked about whether proposed action #2 should say that the planning designation change is also made to the Water Resources Management Policy Plan. Staff advised Council Member Bowles and Committee Chair Steffen after the meeting that the language in proposed action #2 is correct as written, planning area designations for individual communities are presented and discussed only in the Regional Development Framework. The WRMP does not discuss planning area designations for individual communities. The Committee voted unanimously to recommend that the Council adopt the attached Advisory Comments and Review Record, and proposed actions noted above.

Environment Committee

Referring to Dahlgren Township and the City of Carver, Council Member Wittsack noted the irregularity of the annexation boundary and asked if one could expect this boundary to become more uniform when more amendments come in for future annexations. Staff explained that for areas outside the orderly annexation agreement (OAA) area, annexation requests are reviewed, and action taken, on a case-by-case basis.

Council Member Wulff asked if the remnant Dahlgren Township parcel located between the OAA area as shown on Figure 2, and Carver and San Francisco Township would remain as Dahlgren Township. Staff pointed out that the annexation area shown in Figure 2 represents only that part of Dahlgren Township that is covered in the OAA and covered under the amendment. The OAA covers a larger area of the township. The City of Carver will be required to cover these additional OAA areas in future amendments, or in their next Plan Update.

The committee asked staff to clarify the status of the remnant parcel prior to the Community Development Committee meeting on May 17.

Motion to approve the City of Carver's Tier II Comprehensive Sewer Plan was made, seconded, and passed unanimously.

C Community Development Committee
Meeting date: May 17, 2010

E Environment Committee
Meeting date: May 11, 2010

ADVISORY INFORMATION

Subject: City of Carver Comprehensive Plan Amendment
Review File No. 20325-2
Tier II Comprehensive Sewer Plan

District(s), Member(s): District 4, Councilmember Craig Peterson

Policy/Legal Reference: Minnesota Statute Section 473.175

Staff: James P. Uttley, Principal Reviewer (651-602-1361)

Prepared/Presented: Phyllis Hanson, Manager, Local Plng. Assistance (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:

Recommendations of the Community Development Committee

1. Authorize the City of Carver to put its Comprehensive Plan Amendment (CPA) into effect for lands within the existing city limits and those portions of Dahlgren Township for which the City has existing Orderly Annexation Agreements (OAA).
2. Change the Regional Development Framework (RDF) planning designation for the City of Carver and that portion of Dahlgren Township covered by the OAA from Rural Growth Center to Developing.
3. Remind the City that it is required to participate in the Council's plat monitoring program beginning in 2009 and must submit annual reports to the Council consistent with Council guidelines.

Recommendations of the Environment Committee:

Approve the City of Carver's revised Tier II Comprehensive Sewer Plan.

Background

The City of Carver (City) is located in eastern Carver County, bounded by Chaska, Dahlgren and San Francisco Townships in Carver County, Jackson and Louisville Townships in Scott County.

The *2030 Regional Development Framework (RDF)*, as adopted by the Metropolitan Council (Council) in January 2004, identified Carver as a "Rural Center." As part of negotiations surrounding the 2005 System Statement, the City of Carver requested to be designated as a "developing community." Instead, the Council designated the City as a Rural Growth Center on March 8, 2006; and indicated that it would reconsider the designation once the City is connected to the Metropolitan Disposal System.

Also as part of the System Statement negotiation process for the City of Carver, Dahlgren Township and Carver County, it was agreed that the City could include in its 2030 comprehensive plan that part of Dahlgren Township that was anticipated to urbanize through 2030. The City anticipated annexing parts of Dahlgren Township and to provide municipal services to those areas consistent with the "urban/ sewerred" forecasts ascribed to Dahlgren Township in its System Statement.

At the time of the Council's formal review and action on Carver's 2008 Comprehensive Plan Update (Update) on December 10, 2008 (Review No. 20325-1, Business Item 2008-271) the City of Carver and Dahlgren Township had not yet concluded an Orderly Annexation Agreement (OAA) for the future annexation area. The Council's action on the Update, allowed the City to put its plan into effect but only for lands within the City's existing boundary. The Council advised the City to come back with a comprehensive plan amendment (CPA) at such time as the City and Township executed OAA. An OAA was subsequently approved by the City and Township.

Environmental Services is in the process of constructing an interceptor sewer to connect Carver and its future growth area in what is now Dahlgren Township to the Metropolitan Disposal System.

The City of Carver requests that the Council change its RDF planning designation from Rural Growth Center to Developing, and allow the City to put its plan into effect for both the existing City and that portion of Dahlgren Township covered by the OAA. It should be noted that maps 3 and 4 on pages 10 and 11 of this report show only a part of the area in Dahlgren Township covered in the OAA. The remainder of the OAA area was not planned in the City's 2008 Comprehensive Plan Update and is not addressed in this CPA. The City expects to address the expanded area in a future comprehensive plan update.

Rationale – Standard of Review & Findings

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 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 Council awarded the City of Carver a \$20,000 planning grant to help with the preparation of its original plan. No funding was provided for this CPA.

Known Support / Opposition

There is no known opposition.

REVIEW RECORD

Review of the City of Carver 2008 Comprehensive Plan Update Revision

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 CPA is in conformance with the *2030 Regional Parks Policy Plan (RPPP)*.

Transportation

Roads and Transit

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

The CPA is in conformance with the Council's *2004 Transportation Policy Plan (TPP)* and addresses all the applicable transportation and transit requirements of a comprehensive plan.

Aviation

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

The Update is in conformance with the TPP and consistent with Council aviation policy.

Water Resources Management

Wastewater Service

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

This CPA, due to the approval of an Orderly Annexation Agreement (OAA) with Dahlgren Township, would allow the City to put that portion of the approved CPU related to Dahlgren Township into effect and also change the designation for the City from a Rural Growth Center to a Developing Community.

The CPA is in conformance with the *Water Resources Management Policy Plan (WRMPP)*. The CPA 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 recommended forecasts for population, households, and employment.

The Tier II Sewer Plan identified the development and extension of sanitary sewer services into surrounding Township areas for which no OAA existed between the City and Dahlgren Township. The Council reviewed the Plan for the existing City and for the areas of Dahlgren Township proposed for future annexation and found that it raised no regional system or policy issues. However, because the City did not have an OAA covering the planning area of future urbanization in Dahlgren Township, the Council could not act to approve the entire Tier II plan in November 2008. For this reason, the Council approved only that portion of the Tier II plan applicable to the existing municipal boundary of the City of Carver.

After annexation of areas of the Township by the City and before any extension of wastewater service can be authorized for areas of what is now Dahlgren Township, the Update plan must be amended by the City to include the area being annexed. The amended Plan must be submitted to the Council for approval.

The Regional Development Framework sets an overall minimum residential density standard of 3 to 5 units per acre in Developing areas where urban service is located or planned. The average minimum standard of 3 units per acre is important to the efficient use of regional systems, including wastewater system investments. Specific strategies for Developing Communities are found on page 28 of the *2030 Regional Development Framework*.

Staff recommends that the Council amend both the RDF and the 2030 WRMPP as requested by the City to change their designation from a Rural Growth Center to a Developing Community.

Tier II Comments

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

The Tier II Sewer Element of the CPA has been reviewed against the requirements for Tier II Comprehensive Sewer Plans for developed 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 (651-602-1156)

Carver is located in the Carver County and the Lower Minnesota River watersheds. The Carver County Watershed Management Organization's (WMO) watershed management plan was approved by the Board of Water and Soil Resources (BWSR) in 2001. The Lower Minnesota River Watershed District's (District) watershed management plan was approved by BWSR in 1999. Both watersheds are in the process of updating their plans – the WMO plan is currently out for draft agency review and comment, and the District plan will soon be out for review as well.

The Metropolitan Council reviewed and commented on Carver's Surface Water Management Plan (SWMP) in 2007. The City's SWMP was found adequate to meet the requirements of a local plan.

Advisory Comments

- The City needs to submit to the Metropolitan Council the date when the City's current SWMP was approved by the Carver County Watershed Management Organization and the date the City adopted the final version of the plan.
- The City will need to update its SWMP and submit that plan to the Metropolitan Council and both watersheds for review and approval within two years from the date that BWSR approves the two revised watershed management plans. The City's SWMP update will need to incorporate surface water management planning for all portions of Dahlgren Township within the Orderly Annexation Area

CONSISTENCY WITH COUNCIL POLICY

Forecasts

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

The CPA is consistent with Council's forecast expectations and consistent with regional policy. Forecasts revisions reflecting the annexation of land from Dahlgren Twp. were previously approved by Council at its meeting on February 24, 2010. Since further forecast revisions are not needed nor requested, the forecast-related content is complete and consistent.

For reference, the approved forecasts for Carver are provided below:

Table 1 - Metropolitan Council Forecast – City of Carver				
	2000	2010	2020	2030
Population	1,266	4,680	16,130	19,560
Households	458	1,800	6,160	7,550
Employment	176	700	2,200	3,030

2030 Regional Development Framework and Land Use

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

The CPA is consistent with the *2030 Regional Development Framework* for land use. In November 2008, the Council reviewed the City's comprehensive plan update (Business Item 2008-271) and found that the land use plan was consistent with the RDF for land use. The comprehensive plan included future land use planning for the current municipal area, as well as for land that was planned to be annexed from Dahlgren Township. However, at that time, the City did not have an Orderly Annexation Agreement (OAA) for those parts of the Township, and so did not have authority in those portions of the Township. The OAA grants the City authority to plan in those areas, and the CPA does not propose any changes in land use, which had been found to be consistent, and remains consistent, with the RDF. The City plans for residential development at a minimum density of 3.22 units per net acre, consistent with Council policy.

Housing

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

The CPA does not change the housing element in the original submittal, which the Council found fulfills the housing requirements of the MLPA.

Individual Sewage Treatment Systems (ISTS) Program

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

The CPA is consistent with the WRMP for ISTS. .

Water Supply

Reviewer: Christopher Elvrum, ES – Water Supply Planning, (651-602-1035)

The CPA is complete and consistent with the WRMPP.

Resource Protection

Historic Preservation

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

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

Solar Access Protection

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

The CPA addresses the subject of solar access protection as required by the MLPA.

Aggregate Resources Protection

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

The CPA is consistent with the Council’s aggregate resources protection policies. .

Plan Implementation

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

The CPA includes a description of:

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

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

There do not appear to be any compatibility issues with plans of adjacent governmental units and plans of affected special districts and school districts.

DOCUMENTS SUBMITTED FOR REVIEW:

The submittal includes the CPA submittal form, correspondence and resolution and the OAA between the City of Carver and Dahlgren Twp.

ATTACHMENTS

- Figure 1 - Location Map with Regional Systems
- Figure 2 - 2030 Regional Development Framework Planning Areas
- Figure 3 - Existing Land Use Map
- Figure 4 - 2030 Land Use Plan
- Table 2 – Existing and Planned Land Use in 5-Year Stages

Figure 1. Location Map Showing 2030 Regional Framework Planning Areas, City of Carver and Dahlgren Township Annexation Area, Carver County

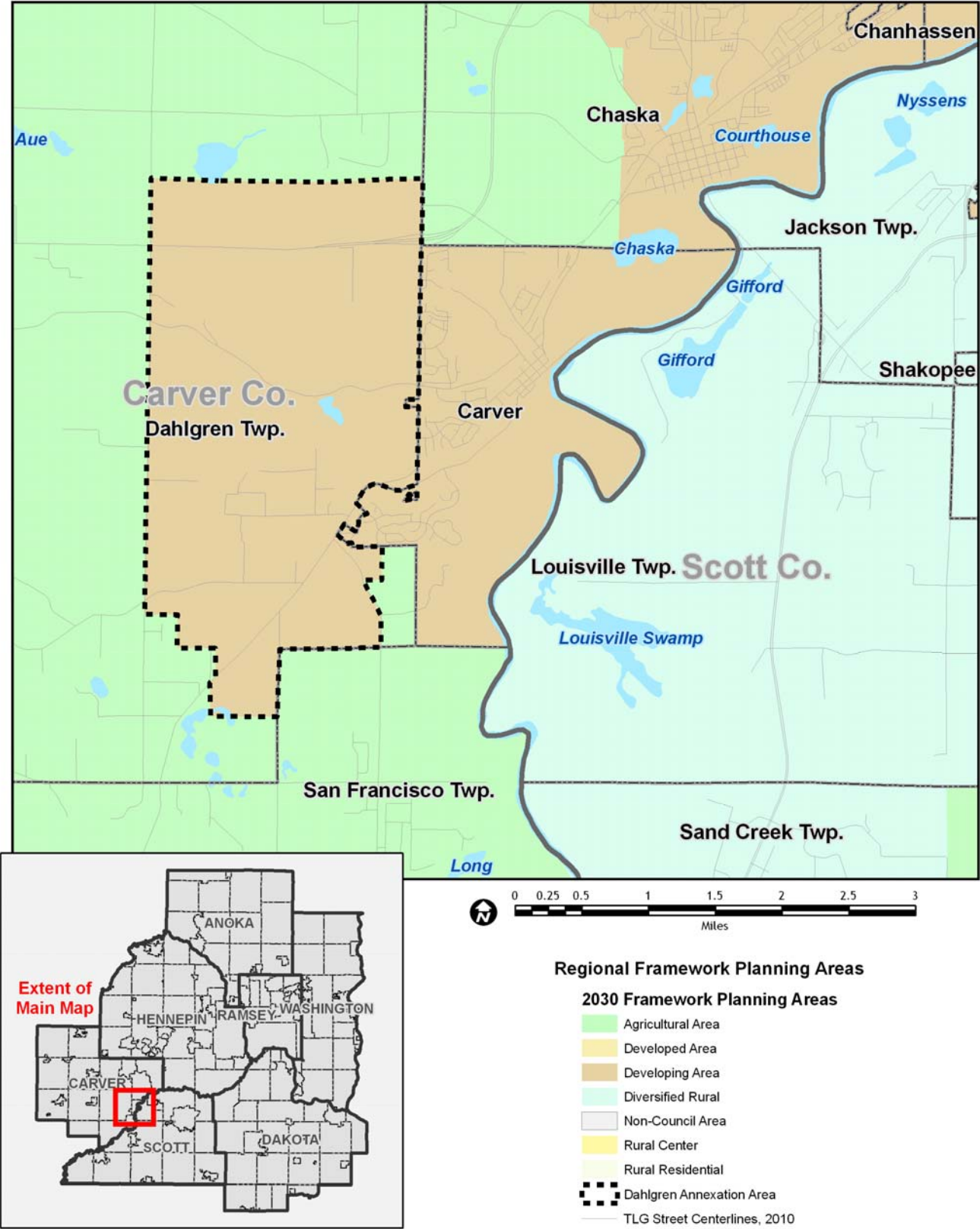
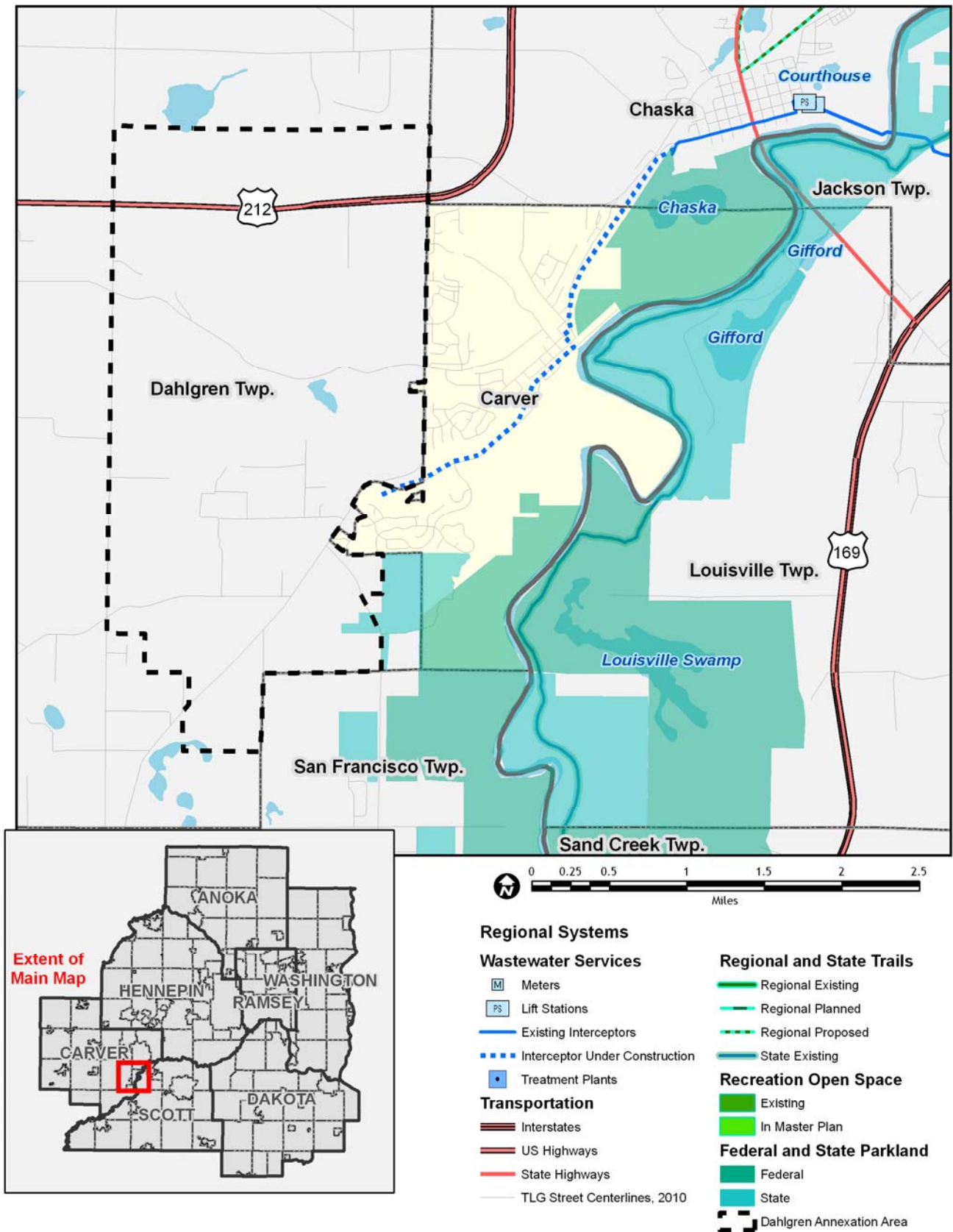
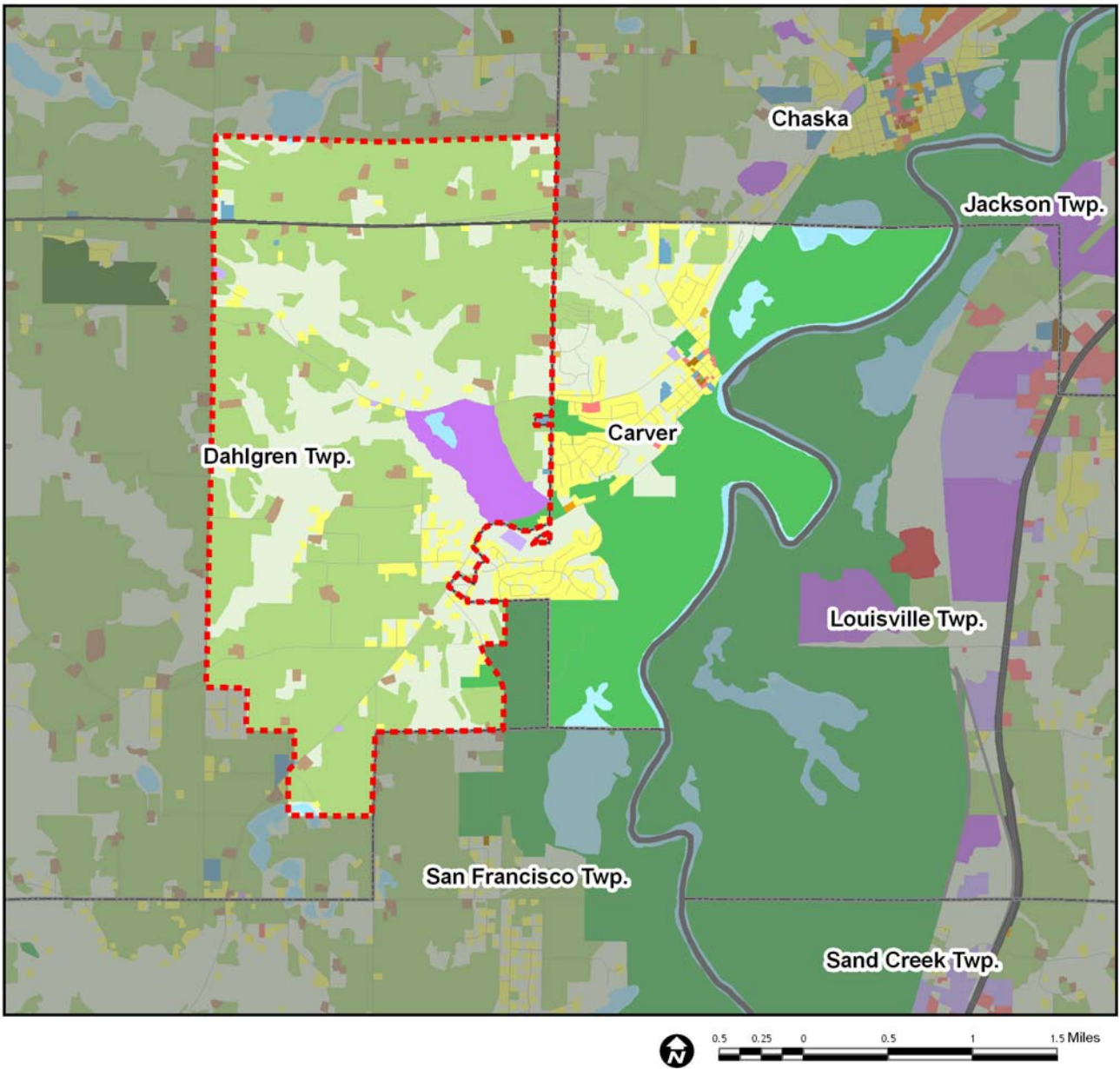


Figure 2. Location Map Showing Regional Systems, City of Carver and Dahlgren Township Annexation Area, Carver County



**Figure 3. Existing Land Use Map,
City of Carver and Dahlgren Township Annexation Area, Carver County**



Existing Land Use (Metro Council, 2005)

Single Family Residential

- Farmstead
- Seasonal/Vacation
- Single Family Detached
- Manufactured Housing Park

Multifamily Residential

- Single Family Attached
- Multifamily

Mixed Use

- Residential
- Industrial
- Commercial, Other

Industrial and Utility

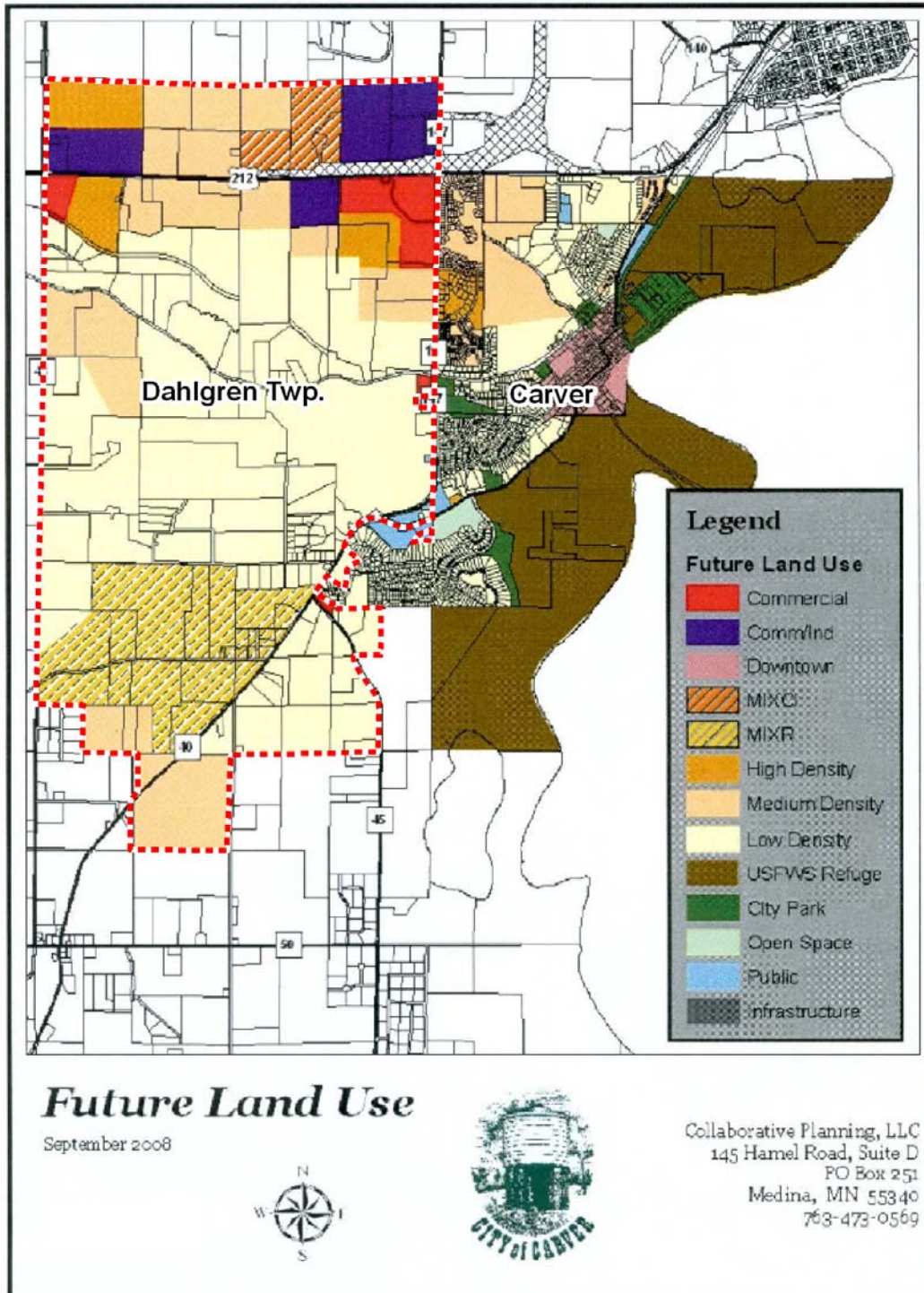
- Industrial and Utility
- Extractive
- Institutional
- Park, Recreational or Preserve
- Golf Course
- Agricultural
- Undeveloped
- Water

Office

- Office
- Retail and Other Commercial
- Major Highway
- Railway
- Airport

- Proposed Dahlgren Twp. Annexation
- TLG Street Centerlines, 2008

**Figure 4. Future Land Use Map,
City of Carver and Dahlgren Township Annexation Area, Carver County**



 Proposed Dahlgren Twp. Annexation