

C Community Development Committee

Item: 2010-257

For the Metropolitan Council meeting of July 28, 2010

ADVISORY INFORMATION**Date Prepared:** July 20, 2010**Subject:** West Lakeland Township 2030 Comprehensive Plan Update
Review File No. 20632-1**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 West Lakeland Township to put its 2030 Comprehensive Plan Update into effect.
2. Adopt forecasts as revised in Table 1 of the Review Record.
3. Change the Township's geographic planning area designation from Diversified Rural to Rural Residential in the Council's *2030 Regional Development Framework*.
4. Advise the Township to implement the Advisory Comments for Transportation, Surface Water Management, and Land Use.

Summary of Committee Discussion / Questions:

Local Planning Assistance staff member, Tom Caswell, presented the report and the proposed actions to the Community Development Committee. The Committee asked if there are cities adjacent to the Township and whether parts of the Township were vulnerable to annexation. Caswell noted the adjacent cities of Lake Elmo, Afton, and Lakeland. He also said that annexation of parts of a township is always a possibility.

The Committee unanimously adopted the proposed actions.

N:\CommDev\LPA\Counties\Washington\Reports\Washington County 2030 CPU Committee Report 20610-1

C Community Development Committee

Meeting date: July 19, 2010

ADVISORY INFORMATION

Subject:	West Lakeland Township 2030 Comprehensive Plan Update Review File No. 20632-1
District(s), Member(s):	District 12, Council Member Sherry Broecker
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
Division/Department:	Community Development / Planning & Growth Management

Proposed Action

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

Recommendations of the Community Development Committee:

1. Authorize West Lakeland Township to put its 2030 Comprehensive Plan Update into effect.
2. Adopt forecasts as revised in Table 1 of the Review Record.
3. Change the Township's geographic planning area designation from Diversified Rural to Rural Residential in the Council's *2030 Regional Development Framework*.
4. Advise the Township to implement the Advisory Comments for Transportation, Surface Water Management, and Land Use.

ADVISORY COMMENTS

West Lakeland Township 2030 Comprehensive Plan Update

Review File No. 20632-1 – Council Business Item No. 2010-257

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.
 - c. Submit to the Council a copy of the Town Board resolution evidencing final approval of the Update.
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

West Lakeland Township is located in south-central Washington County surrounded by Baytown Township, Afton, Lake Elmo, with Lakeland and the St. Croix River to the east (see Figure 1).

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

Rationale

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 the 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. <i>2030 Regional Development Framework</i> and Land Use | Yes |
| 4. Individual Sewage Treatment Systems (ISTS) Program | Yes |
| 5. Water Supply | Yes |

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

- | | |
|-----------------------------|-----|
| Compatible with other plans | Yes |
|-----------------------------|-----|

Funding

None.

Known Support / Opposition

There is no known opposition.

REVIEW RECORD

Review of the West Lakeland 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 is in conformance with the 2030 Regional Parks Policy Plan. There are no existing or planned regional parks facilities in West Lakeland Township. The Update does acknowledge the Bayport Wildlife Management Area, which is owned and operated by the Minnesota Department of Natural Resources.

Transportation

Roads and Transit

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

The Update is in conformance with the Transportation Policy Plan adopted in 2004, and addresses all the applicable transportation and transit requirements of a comprehensive plan.

The Township is served by I-94 and several "A" minor arterials. West Lakeland Township is outside the Metropolitan Transit Taxing District and therefore has no regular route service. The township lies within Market Area IV. Service options for this market area includes dial-a-ride, volunteer driver programs and ridesharing.

Advisory Comments

At the time the Update was prepared, dial-a-ride service in West Lakeland Township was provided by Human Services, Inc. This service is now provided by Metro Transit Link.

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)

The Update is in conformance with the *Water Resources Management Policy Plan (WRMPP)*. The Update summarizes the Township's vision for the next 20 years or to year 2030. The Township is entirely provided wastewater service through the use of private wastewater systems, or ISTS. The Update indicates continued wastewater services will be provided through the use of ISTS' through 2030.

The Update does not propose nor anticipate requesting connection to 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.

Surface Water Management

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

The Update is in conformance with the *WRMPP* for local surface water management. The Township lies within the Middle St. Croix and Valley Branch watersheds. The Board of Water and Soil Resources approved the Middle St. Croix Watershed Management Organization and Valley Branch Watershed District watershed management plans in 2005.

The Council received and reviewed the Township's Surface Water Management Plan (SWMP) in May 2010 as part of their Update. The plan was found to fulfill the requirements for local water management plans and be generally consistent with Council Policy and the *Water Resources Management Policy Plan*. Council staff review did however; include the following concerns with regard to the SWMP:

Advisory Comments

Council staff recommends that the Township include a copy of its ordinances in the SWMP, in particular the zoning and subdivision, wetland, and erosion and sediment control ordinances.

The SWMP does not specifically address runoff volume control in a meaningful manner. All of the storm water from the town discharges into either the Saint Croix River or Valley Creek. Valley Creek is a designated trout stream. The Saint Croix River is both a wild and scenic river and an outstanding resource value water (ORVW), and is on the MPCA impaired water list for excess nutrients. The watershed basin team has set a 20 percent reduction goal for phosphorus, basin-wide. It is critical that all local jurisdictions set a high standard for storm water runoff in order to meet the goal. In order to fully protect the valued resources in the community, Council staff strongly encourage the township to establish volume control requirements similar to the requirements established in the Brown's Creek Watershed District where the District requires the on-site capture of the first one inch of runoff from the impervious portion of the site.

The SWMP has not identified any runoff problem areas within the town or any Capital Improvement Program. Council staff encourages the Township to complete a detailed assessment of the potential problem areas and include appropriate actions to be taken if any problems are identified.

CONSISTENCY WITH COUNCIL POLICY

Forecasts

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

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

The Township's planning uses revised employment forecasts, accounting for employment sites along the I-94 corridor. Council and City staff have agreed on the reasonableness of the employment forecasts below:

Table 1. Metropolitan Council Forecasts for West Lakeland Township

	Census	Previous Council Forecasts			Revised Council Forecasts		
	2000	2010	2020	2030	2010	2020	2030
Population	3,547	3,860	3,950	4,190	3,860	3,950	4,190
Households	1,101	1,290	1,400	1,510	1,290	1,400	1,510
Employment	313	90	90	100	300	300	300

Metropolitan Council's forecasts will be officially revised, as shown above, effective upon Council action on the Plan Update.

2030 Regional Development Framework and Land Use

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

The Update is consistent with the *2030 Regional Development Framework (RDF)*, except for its residential densities. The RDF classifies the Township as a Diversified Rural area. The RDF directs Diversified Rural communities to accommodate growth at densities not to exceed 1 unit per 10 acres.

Since the mid-1990s, the Township has exceeded this density. Currently, there are approximately 1,300 households on 7,800 acres of land, which yields a gross density of 1 unit per 6 acres. Because of the extent of the development in West Lakeland, little remaining vacant developable acreage, and its inability to achieve 1 unit per 10 acres, the Township is requesting the Council change its planning area to Rural Residential area.

The Update shows a future land use guiding of Highway Commercial and Neighborhood Commercial along the south side of I-94, which has been planned for commercial uses by the Township since 1957. The Washington County Update, however, guides this area as Semi-Rural, which allows residential units at a maximum density of 1 unit per 2.5 acres. The inconsistency between the two Updates has also existed for many years.

Development proposals must be approved by both the Township and the County. During review of the Washington County Update, it was noted that all proposals are dealt with by both entities on a case-by-case basis. It was also noted that the differences between two plans was not of regional significance.

The County is aware of the Township's planned land uses along the interstate corridor. The Washington County Update discusses the planned land use inconsistencies, noting that these areas might be suitable for commercial uses once sewer and water become available. Council staff has communicated these inconsistencies and policies to the Township and the County.

Advisory Comments

The Township is advised to continue to work with Washington County to resolve differences in land use guiding and policy.

Housing

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

The Update fulfills the affordable housing planning requirements of the Metropolitan Land Planning Act. West Lakeland Township is a community that does not have a numerical share of the regional need of affordable housing. The Update provides an assessment of the housing stock, and provides the goals and policies the city will use to address its local housing needs. The Township's primary goal is to retain and preserve its existing housing stock. It will do this through enforcement of the zoning and building codes to ensure housing quality. The plan states the city will work with Washington County and/or the Washington County HRA to address low- and moderate-income housing needs.

Community and 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 Township indicates that there are approximately 1200 ISTS in operation serving all residents and businesses in the community. The Township has delegated all responsibility for ISTS program oversight to Washington County. The County's ISTS ordinance and program are consistent with MPCA Rules and with Council policy requirements.

Water Supply

Reviewer: Chris Elvrum, ES – Water Supply Planning, (651-602-1066)

The Update is consistent with the *WRMPP*'s water supply policies. The Township is not required to have a water supply plan since it does not own or operate a water supply system.

Resource Protection

Historic Preservation

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

The Update addresses historic preservation in the community as required by the MLPA. The Update indicates that the Township will develop approaches to preserving historical sites in the community in conjunction with the Minnesota and Ramsey County Historical Societies.

Solar Access Protection

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

The Update appropriately addresses the protection of access to solar energy as required by the MLPA in the Resource Protection section of the plan. The Update contains a goal of incorporating solar access protection into its development codes.

Aggregate Resources Protection

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

The Update contains a section on aggregate resources protection as required by the MLA.

Minnesota Geological Survey Information Circular 46 indicates that there are significant aggregate resource deposits present within the Township. There are at least three aggregate-related firms operating in the Township that are considered to be "pre-existing nonconforming commercial uses." The Update identifies present and planned future mining land use areas in the Township. The Township is in the process of updating its aggregate resources protection mining ordinance.

The Update indicates that there are four undeveloped areas within the Township that remain as possible future mining locations, but may have problems developing due to their proximity to environmentally sensitive lands, including the Bayport Wildlife and

Belwin Foundation Conservation Areas. The Council recognizes the protection and preservation of such environmentally sensitive lands to be an acceptable and preferential long-term land use over mining of their underlying resources, which would destroy their environmentally sensitive surface attributes.

PLAN IMPLEMENTATION

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

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 Program, which describes the official controls and fiscal devices that the City will employ to implement the Update, with a plan for revising or modifying ordinances to implement the plan.

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

The Township submitted its Update to the adjacent communities, Washington County, affected school districts, affected watershed districts, and other special districts for comment on January 19, 2009. As discussed in the Land Use Section above, the planned land use for West Lakeland Township is inconsistent with Washington County's plan. Also discussed above, the Township and the County are encouraged to collaborate to resolve the land use guiding inconsistencies.

There do not appear to be any other conflicts with the plans of adjacent and affected jurisdictions.

DOCUMENTS SUBMITTED FOR REVIEW

- Comprehensive Plan for West Lakeland Township (July 6, 2009)
- Revisions to forecasts, aggregate resources, aviation, implementation, (November 25, 2009)
- Revisions to transportation and surface water management (May 18, 2010)

ATTACHMENTS

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

Figure 2. 2030 Regional Development Framework Planning Areas
West Lakeland Twp.

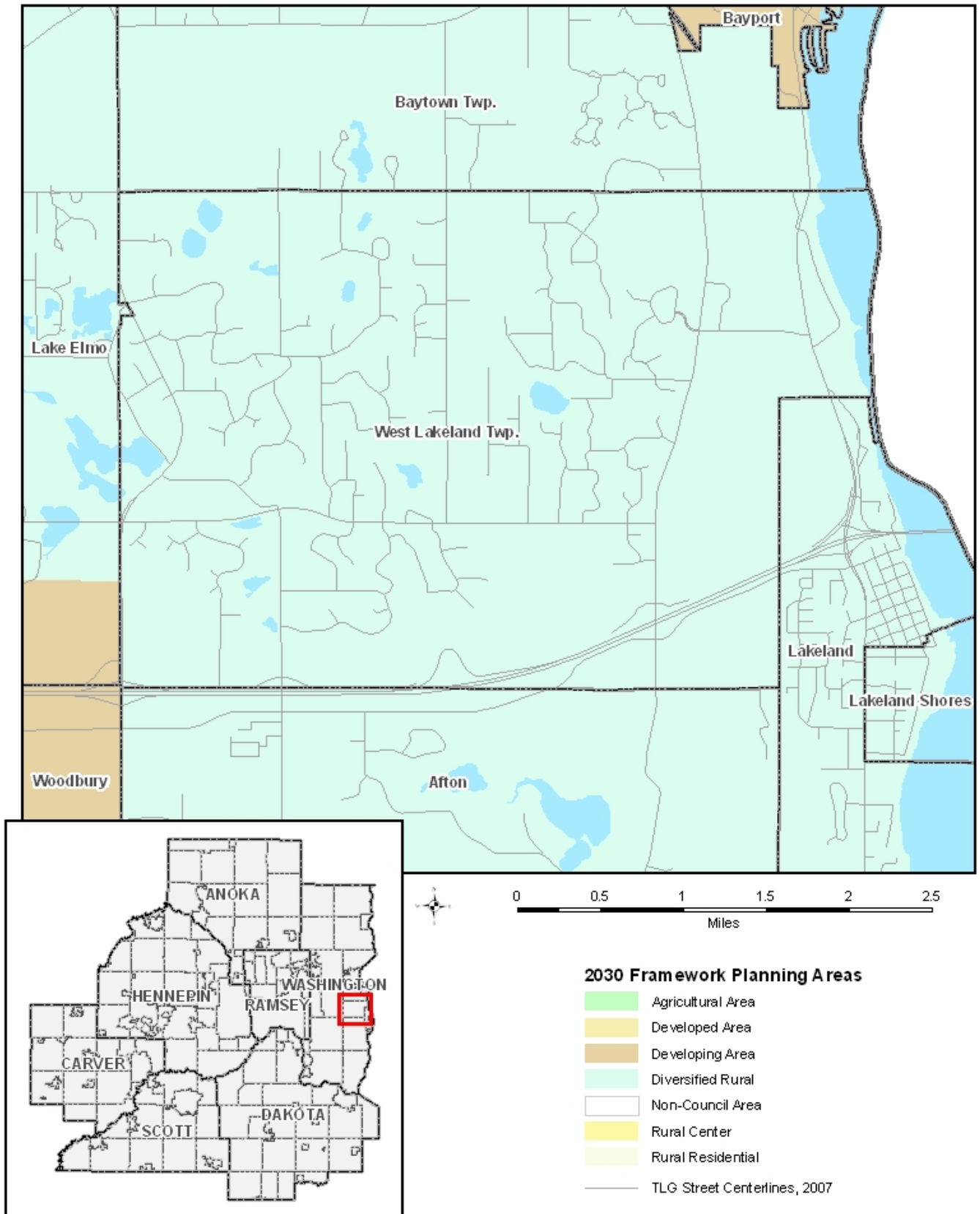


Figure 3. Existing Land Use
West Lakeland Township

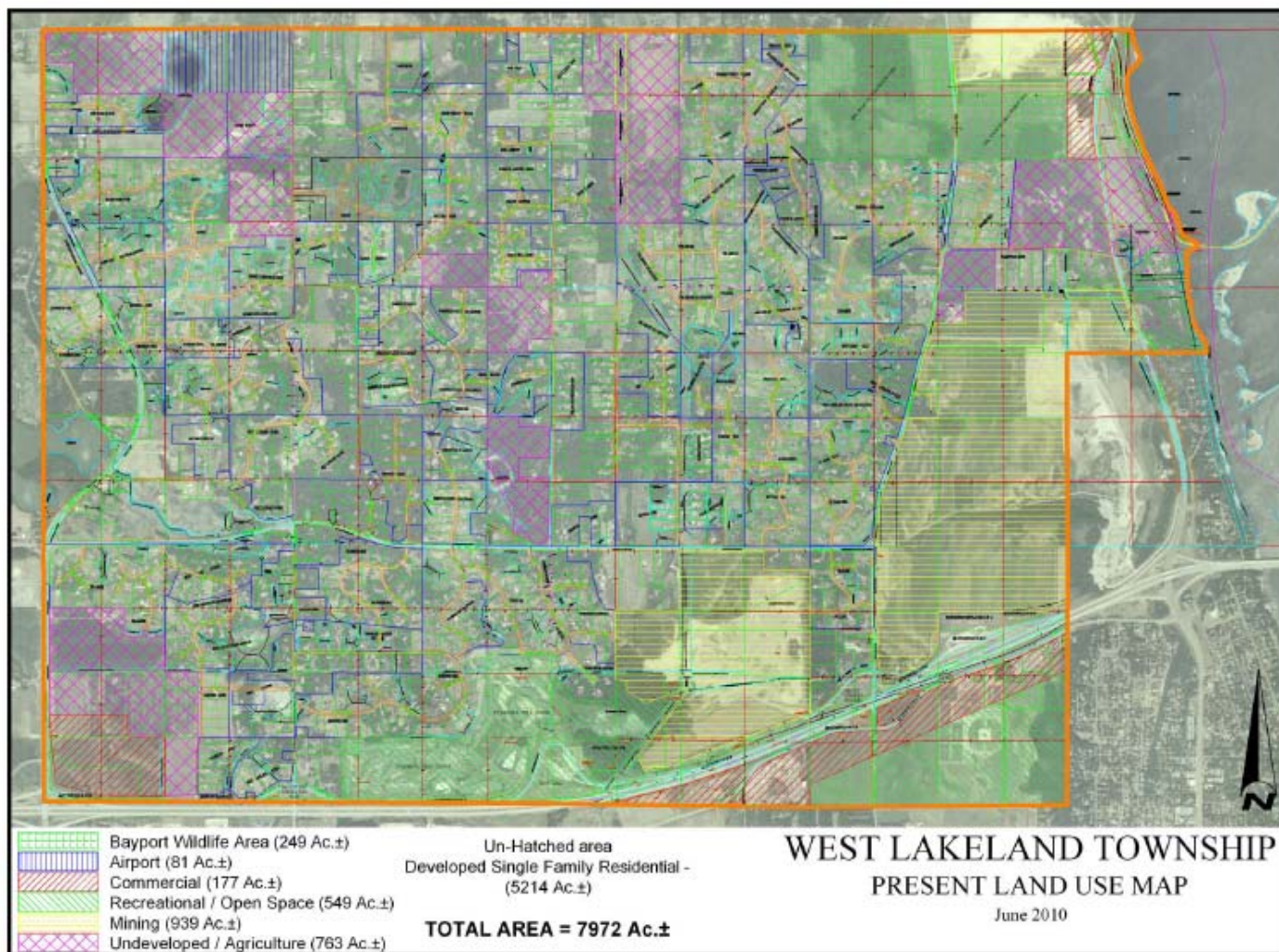


Figure 4. 2030 Land Use
West Lakeland Township

