

C Community Development Committee
Meeting date: March 16, 2009

E Environment Committee
Meeting date: March 24, 2009

ADVISORY INFORMATION

Subject:	City of Hamburg 2030 Comprehensive Plan Update Review File No. 20426-1 Tier II Comprehensive Sewer Plan
District(s), Member(s):	District 4, Councilmember Craig Peterson, 651-602-1474
Policy/Legal Reference:	Minnesota Statute Section 473.175
Staff Prepared/Presented:	James P. Uttley, Principal Reviewer (651-602-1361) Phyllis Hanson, Manager, Local Planning 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 Hamburg to put only that portion of its 2030 Comprehensive Plan Update pertaining to lands within its boundaries into effect and not areas located in Young America Township;
2. The Council has reviewed the City of Hamburg’s entire Update including that portion shown in adjacent Young American Township. It has found no regional system conformance or policy consistency issues. At such time as the City of Hamburg acquires jurisdiction of the lands planned for future urbanization in Young America Township either through an Orderly Annexation Agreement or annexation(s), the City will need to submit appropriate plan amendments to the Council for further review and action.
3. Advise the City:
 - a. To submit comprehensive plan amendments to the Council for review and action for areas that are annexed from Young America at such time as annexation occurs;
 - b. To send the Council a copy of the final Surface Water Management Plan dated December 2004.

Recommendations of the Environment Committee:

Approve the City’s Tier II Comprehensive Sewer Plan.

ADVISORY COMMENTS

City of Hamburg 2030 Comprehensive Plan Update and Tier II Comprehensive Sewer Plan

Review File No. 20426-1 - Council Business Item No. 2009-87

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 City is reminded that Minnesota Statutes 473.864 requires the City to:
 - (a) Formally adopt the Update within nine months following Council action
 - (b) Submit two copies to the Council, and
 - (c) Submit a copy of the City Council Resolution adopting the Update following final action to the Metropolitan Council.
2. 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).
3. 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 is finally approved by the City’s governing body. After the Update is finally approved 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 Hamburg (City) is located in southwestern Carver County, bordered by Young America Township and two miles southwest of Norwood Young America in Carver County. Figure 1 shows the general location of the City and surrounding areas.

The *2030 Regional Development Framework (RDF)*, as adopted by the Metropolitan Council (Council) in January 2004, identified Hamburg as a “Rural Center.” Rural centers are residential communities surrounding a commercial center that provide basic consumer services and community activities. Growth in the rural centers needs to be consistent with regional forecasts, at densities of 3 to 5 units per acre. The City has its own wastewater treatment plant. Figure 2 shows the regional systems in Hamburg and the surrounding area.

The City does not have an Orderly Annexation Agreement (OAA) with Young America Township. The Hamburg 2030 Comprehensive Plan Update includes planning for lands within adjacent areas of Young America Township (see Figure 5).

Absent an executed OAA, annexation can still occur through the statutory processes managed by the State’s Municipal Boundary Adjustment Office (MBA) in the Office of Administrative Hearings. This review examines the City’s *2030 Comprehensive Plan (Update)* submitted 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. The entire plan has been reviewed for regional system conformity, consistency with regional policies and other applicable statutes, and compatibility with the plans of adjacent communities and special districts.

The comments in this review apply to the entire plan, however, absent an OAA; the recommendations apply to only to the area with the City’s existing municipal boundary. At such time as an OAA is executed by the parties and accepted by the MBA, the City can request that the Council re-examine and accept the plan for the entire OAA area. The City is required to submit comprehensive plan amendments for annexations, before the proposed land use and services are extended to the annexed lands.

Rationale – Standard of Review & Findings

1. Does the proposed Plan conform to Regional Systems Plans?
2. Is the Plan consistent with 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 Hamburg a \$20,000 planning grant to help with the preparation of its plan. Fifty percent of the grant has been paid to date; the remainder awaits Council action on the Plan and City adoption of the plan following Council action.

Known Support / Opposition

There is no known opposition.

REVIEW RECORD

Review of the City of Hamburg 2030 Comprehensive Plan Update

STATUTORY AUTHORITY

The 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 Council's plan, and may revise the same as often as it deems necessary. Each such plan shall be submitted to the Council for review and shall be subject to the approval of the Council as to those features affecting the Council's responsibilities as determined by the Council. Any such features disapproved by the Council shall be modified in accordance with the Council's recommendations (Minn. Stat. § 473.513).

CONFORMANCE WITH REGIONAL SYSTEMS

Regional Parks

Parks and Trails

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

The Update, as revised by a new Parks and Trails section (received January 5, 2009), is in conformance with the 2030 Regional Parks Policy Plan.

Transportation

Roads and Transit

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

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

The nearest principal arterial (metropolitan highway), TH 212, is located approximately two miles north of the city. Because Hamburg lies outside the transit taxing district there is no regular route transit service existing or planned in the city. The nearest park and ride facilities are in Mayer to the north or Chaska and Victoria to the east. The Carver Area Rural Transit (CART) provides dial a ride service for disabled, senior and economically disadvantaged residents of the County.

Aviation

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

The Update is in conformance with the Aviation System Plan and consistent with aviation policy.

Water Resources Management

Wastewater Service

Reviewer: Roger Janzig, ES – Engineering Services, (651-602-1119)

The Update is in conformance with the Water Resources Management Policy Plan. The Update summarizes the City's vision to year 2030. The City's forecasts are consistent with the Council's. Current wastewater treatment services are provided by the City at a wastewater treatment plant (WWTP) owned and operated by the City. Hamburg is currently identified as a Rural Center in the Council's RDF.

The Update indicates that the City's WWTP, based on growth forecasts, has little or no wastewater treatment capacity available for growth unless substantial reductions in I/I are achieved or wastewater treatment capacity is expanded. The Plan identified three long term wastewater treatment service alternatives. Two of the alternatives involved wastewater treatment plant capacity expansions, with the third alternative calling for phasing out the existing treatment plant, extending a pipe to and utilizing the Norwood Young America WWTP facility. The WWTP phase-out alternative was determined the most cost effective.

While long-term expansion or provision for additional wastewater treatment service capacity is envisioned within the 2030 planning horizon, no short-term (10-year) improvements are anticipated unless there is a request for annexation of property located in the Transition Area in Young America Township. There are no existing orderly annexation agreements with Young America Township.

If in the future the City expands the existing WWTP, phases it out and connects to the Norwood Young America WWTP, or annexes land areas in Young America Township, the City will need to submit a comprehensive plan amendment to their Update to reflect the change(s).

The Update provides sanitary flow projections in 10-year increments and were determined appropriate for planning for local services.

The Update outlines an I/I reduction program. In 2003, the City initiated its I/I maintenance plan which includes detailed inspection and sealing of sewer manholes; and adoption of an Ordinance which prohibits storm water from roof drains, foundation drains, sump pumps, and other sources to the sanitary sewer system.

Tier II Comments

Reviewer: Roger Janzig, ES – Engineering Services, (651-602-1119)

The Tier II Sewer Element of the Update has been reviewed against the requirements for Tier II Comprehensive Sewer Plans for rural centers. It was found to be complete and consistent with Council polices. 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)

Hamburg lies within the Carver County Watershed. The Carver County Watershed Management Organization's watershed management plan was approved by the Board of Water and Soil Resources (BWSR) in 2001. Hamburg prepared a Storm Water Management Plan (SWMP) in response to the Carver County plan. That SWMP was approved by the watershed in 2006.

The SWMP was reviewed by the Council under separate cover in 2005 and found to adequately provide a framework for addressing surface water management in the city of Hamburg. Hamburg should be advised that the Carver County Watershed Management Organization is in the process of

updating its watershed management plan. The city will have two years to update their SWMP after the watershed plan is approved by BWSR.

CONSISTENCY WITH COUNCIL POLICY

Forecasts

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

The Update is consistent with Council’s revised System Statement forecasts for Hamburg. Forecast-related material within Hamburg’s 2030 Comprehensive Plan Update is complete. The forecasts used throughout the document are also consistent with Metropolitan Council forecasts for the City of Hamburg.

Table 1: Hamburg’s Forecasts

	2010	2020	2030
Households	240	300	400
Population	600	750	1,000
Employment	110	120	170

Council staff recognizes that recent household and population gains have been slower than the growth suggested by the Council’s 2010 forecast. According to Council estimates, by 2007 Hamburg had only gained 9 of the 34 new households forecasted between 2000 and 2010.

2030 Regional Development Framework and Land Use

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

The Update is consistent with the 2030 RDF. The RDF designated the City of Hamburg as part “Rural Center” and calls for Rural Centers to plan for sewer residential development densities of 3-5 units per acre or higher, while retaining densities of one dwelling unit per 40 acres in surrounding Agricultural areas. While not currently a participant in the Council’s plan monitoring program, the City’s estimated 2000-2007 average density was 3.46 units per net developable acre. The City plans for sewer residential development at a minimum density of 3.51 units per net acre through 2030, which is consistent with Council policy. Table 2, located at the end of this report, provides land use acreages in 5-year increments as required by the MLPA.

The City’s plan proposes the incremental annexation and urbanization of surrounding parts of Young America Township consistent with the Council’s forecasts as noted above. The land use plan identifies prime natural resource amenities in both the existing City and the future annexation area and proposes to protect those areas.

Because the City of Hamburg does not have an Orderly Annexation Agreement (OAA) in place with Young America Township, the City has no legal jurisdiction over any portion of what is presently Young America Township. The City plan for portions of Young America Township have been evaluated by the Council staff and appear acceptable and in conformance with Council system plans and policies. However, those parts of the plan related to Young America Township land cannot be put into effect until the City’s gains jurisdiction with through annexation or through a mutually agreed OAA between the City and Township.

Absent an OAA, the City needs to be advised that it can only put that part of its plan into effect that pertains to the area within the City’s existing (as of March 25, 2009) municipal boundary. If the City and Township are able to agree to an OAA in the future, the City could at that time resubmit its plan for the combined area to the Council for review and action. Meanwhile, the City will need to submit comprehensive plan amendments (CPAs) for any areas of Young America Township that are being annexed by the City at the time of annexation.

Housing

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

The Update is consistent with the Council's housing policy and meets the affordable housing planning requirements of the MLPA. The Update acknowledges the City's share of the region's affordable housing need for 2011-2020 which is 6 units. To provide opportunities to meet this need the Update indicates that one additional acre of land will be guided for medium density residential development, with a density range of 4-9 units per acre, and designates one acre to a new land use category, Mixed Use Primarily Residential, which will allow medium density residential use in the central business district area of the City. The Update identifies the implementation programs and tools the City will use to provide opportunities for the development of affordable housing. The Update states the City will continue to participate and work with programs offered by the Carver County CDA and Minnesota Housing to meet local affordable housing needs. Hamburg is a participant in the Livable Communities Local Housing Incentives Account.

Individual Sewage Treatment Systems (ISTS) Program

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

The Update is consistent with Council policy relative to ISTS. The City's Update states that the entire City is served by the local sanitary sewer collection and treatment system. The plan further states that as the City boundaries expand, properties served by ISTS may be incorporated, and that these properties will be connected to the City system as soon as municipal facilities are available. Until then, the ISTS will be regulated by Carver County, whose program is consistent with both Minnesota Pollution Control Agency and Council requirements and policies.

Water Supply

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

The City's water supply plan (WSP) is consistent with the policies of the Council's Water Resources Management Policy Plan. The Council recommends the City continue to implement conservation programs targeted at reducing residential water use.

Resource Protection

Historic Preservation

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

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

Aggregate Resources Protection

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

The Update indicates that there are no known deposits of viable aggregate resources within the community. *Minnesota Geological Survey Information Circular 46* concurs with the City's determination. No further response is necessary from the City.

Plan Implementation

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

The Update 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

The City submitted the 2030 Comprehensive Plan Update to adjacent local units of government, school districts, counties and special districts for comment in May 2008. Hamburg received no response from the Young America Township. The City did receive comments from Carver County and the Norwood Young America Public Schools. 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:

- Comment to Hamburg from DNR of July 20, 2007 re: Water Emergency & Conservation Plan
- Letter of May 19, 2008 from Ann Perry, Resource Strategies Corp to adjacent communities, Carver County and special districts requesting comments on Hamburg's draft 2030 Comprehensive Plan Update
- Follow up memo of September 16, 2008 from Jeremy Gruenhagen, Hamburg Clerk-Treasurer to adjacent communities, Carver County and special districts requesting comments on Hamburg's draft 2030 Comprehensive Plan Update
- Comment to Hamburg from NYA Public Schools, dated 9/22/08
- Comment to Hamburg from Carver County, dated 10/30/08
- Memorandum from Ann Perry, dated 12/18/08 with responses to Carver County and Metropolitan Council informal review comments (received 12/23/08, 4 pages)
- 2008 Comprehensive Plan Update Transmittal Form, received 12/23/08 (4 pages)
- 2030 Comprehensive Guide Plan, November 25, 2008 version, received 12/23/08 which contains:
 - Table of Contents (i-iii)
 - Chapter I - Introduction (1-3)
 - Chapter II - Background Information (4-26)
 - A. Historic Profile (4-5)
 - B. Natural Resources (5-10)
 - C. Population, Housing and Employment Trends (11-16)
 - D. Existing Government Facilities and Services (17-
 - E. Existing Land Use, Trends and Controls (22-26)
 - Chapter III – Community Vision, Goals and Policies (27-36)
 - Chapter IV – Growth Management Plan (37-47)
 - A. Regional Planning Context (37-38)
 - B. Carver County (38)
 - C. Population, Household and Employment Forecasts (38-39)
 - D. Land Use Designations (39-44)
 - E. Transition Area (outside municipal limits) (44)
 - F. Parks and Trails (44-46)
 - G. Housing Plan (46)

- H. Resource Protection Plan (46-47)
 1. Historic Preservation
 2. Solar Access
 3. Aggregate Protection
 - Chapter V - Future Public Services and Facilities Plan (48-52)
 - Chapter VI – Implementation (53-57)
 - 4 Appendices

SUPPLEMENTAL MATERIALS RECEIVED

Revised page 21 – Rec'd 1/5/09

1. Revised Page 39 - Rec'd 2/24/09
2. Revised Page 41 including Table 17 Rec'd 2/24/09
3. Revised Page 42 including Table 18 Rec'd 2/24/09
4. Revised Page 44 including Table 19 Rec'd 2/24/09
5. Revised Page 56 including revised Housing Implementation language Rec'd 2/24/09
6. Revised Page 57 including Table 23 with expanded CIP Rec'd 2/24/09
7. Revised Page 58 Rec'd 2/24/09
8. Revised Appendix B – Land Use Table in 5-Year Stages Rec'd 2/24/09
9. Revised Figure 6 Rec'd 2/24/09

ATTACHMENTS

- Figure 1: 2030 Regional Development Framework Planning Areas and Location Map (showing location in region)
- Figure 2: Regional Systems Map (showing location in region)
- Figure 3: Existing Land Use (Figure 5)
- Figure 4: 2030 Land Use (Figure 6)
- Figure 5: Transition Area Long-Term Land Uses (Figure 7)
- Table 2: Existing and Planned Land Use Table in 5-year Stages

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Figure 1. Regional Development Framework Planning Areas, City of Hamburg and Surrounding Area

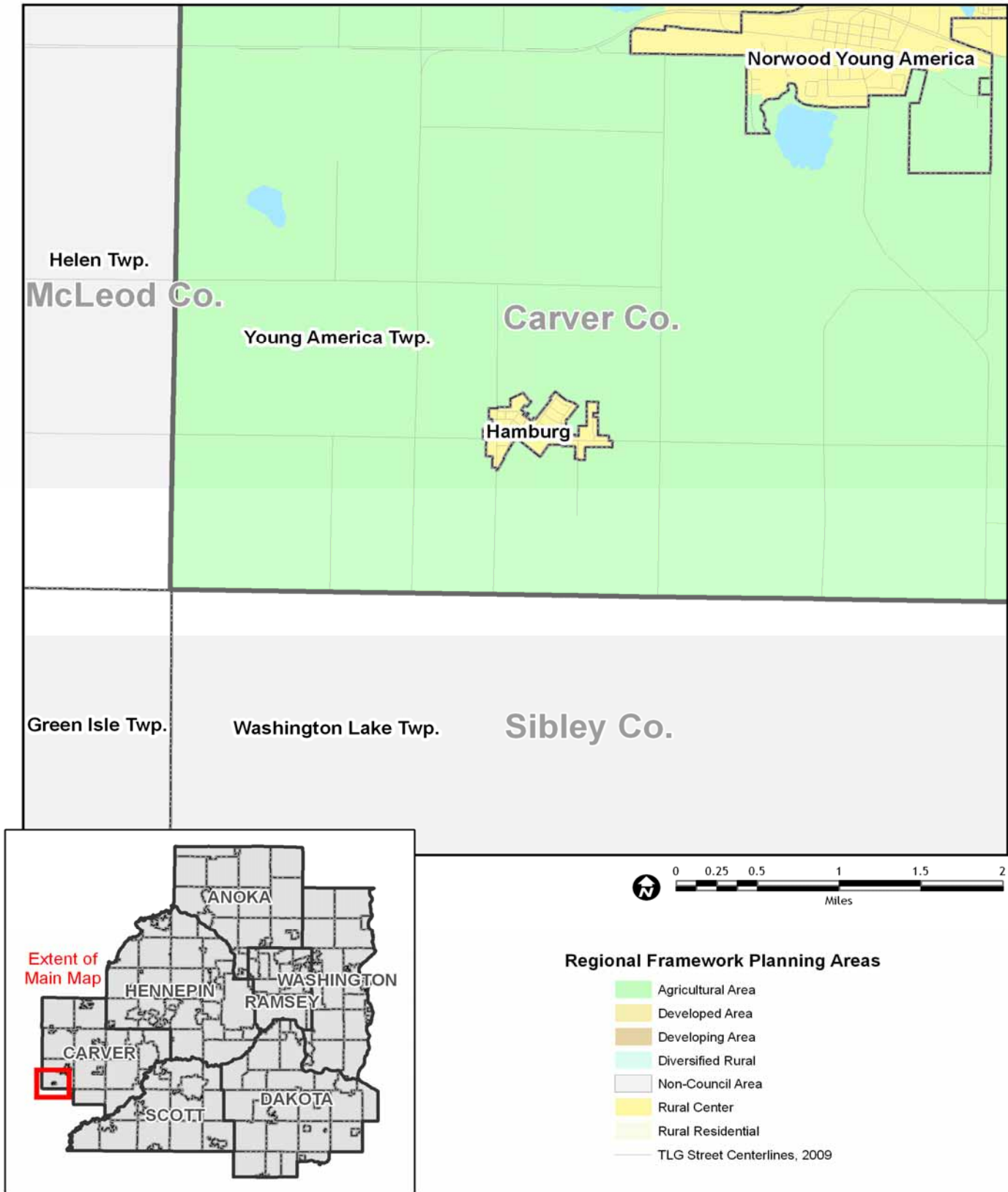


Figure 2. Regional Systems, City of Hamburg and Surrounding Area

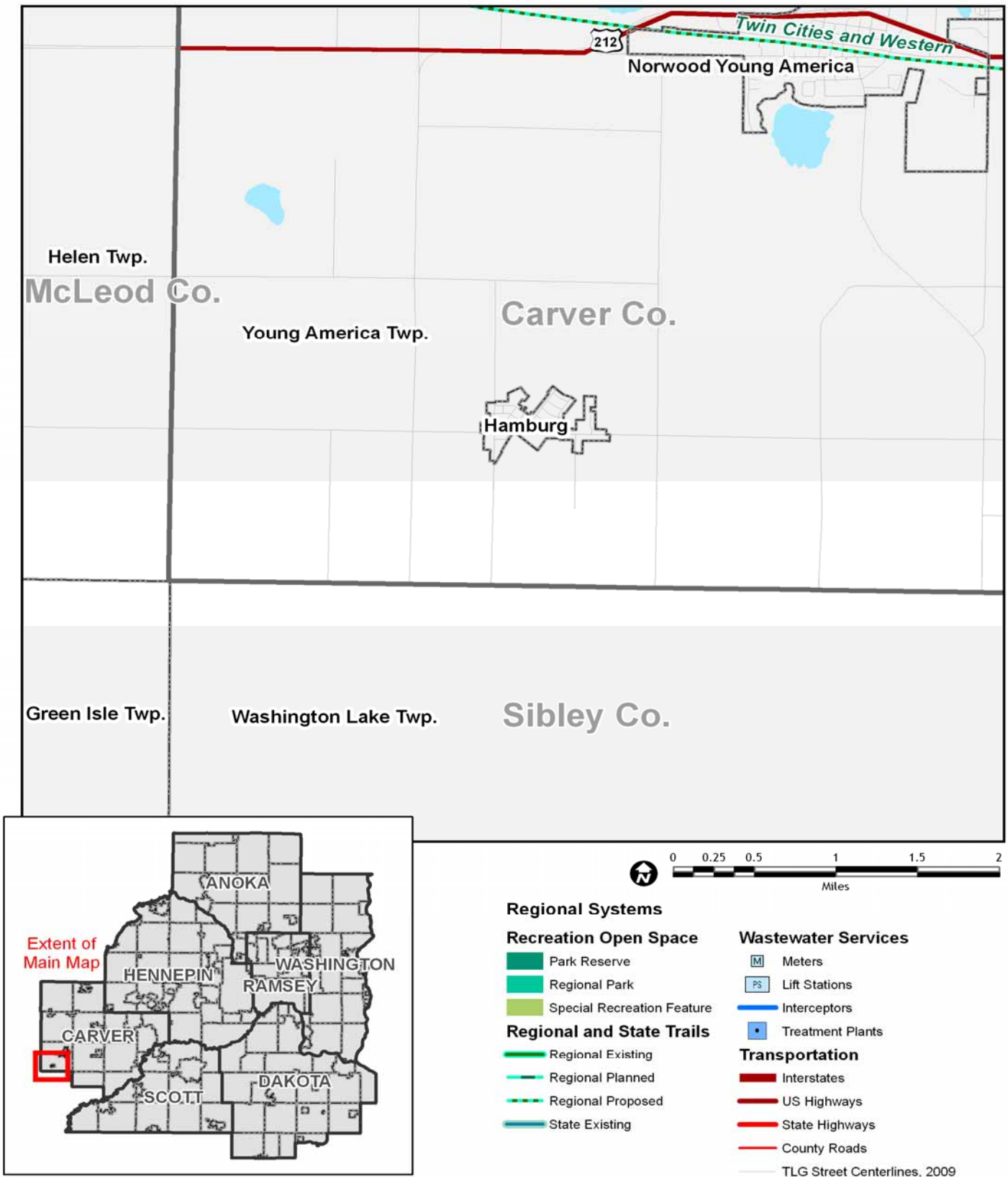


Figure 3. Existing Land Use, City of Hamburg

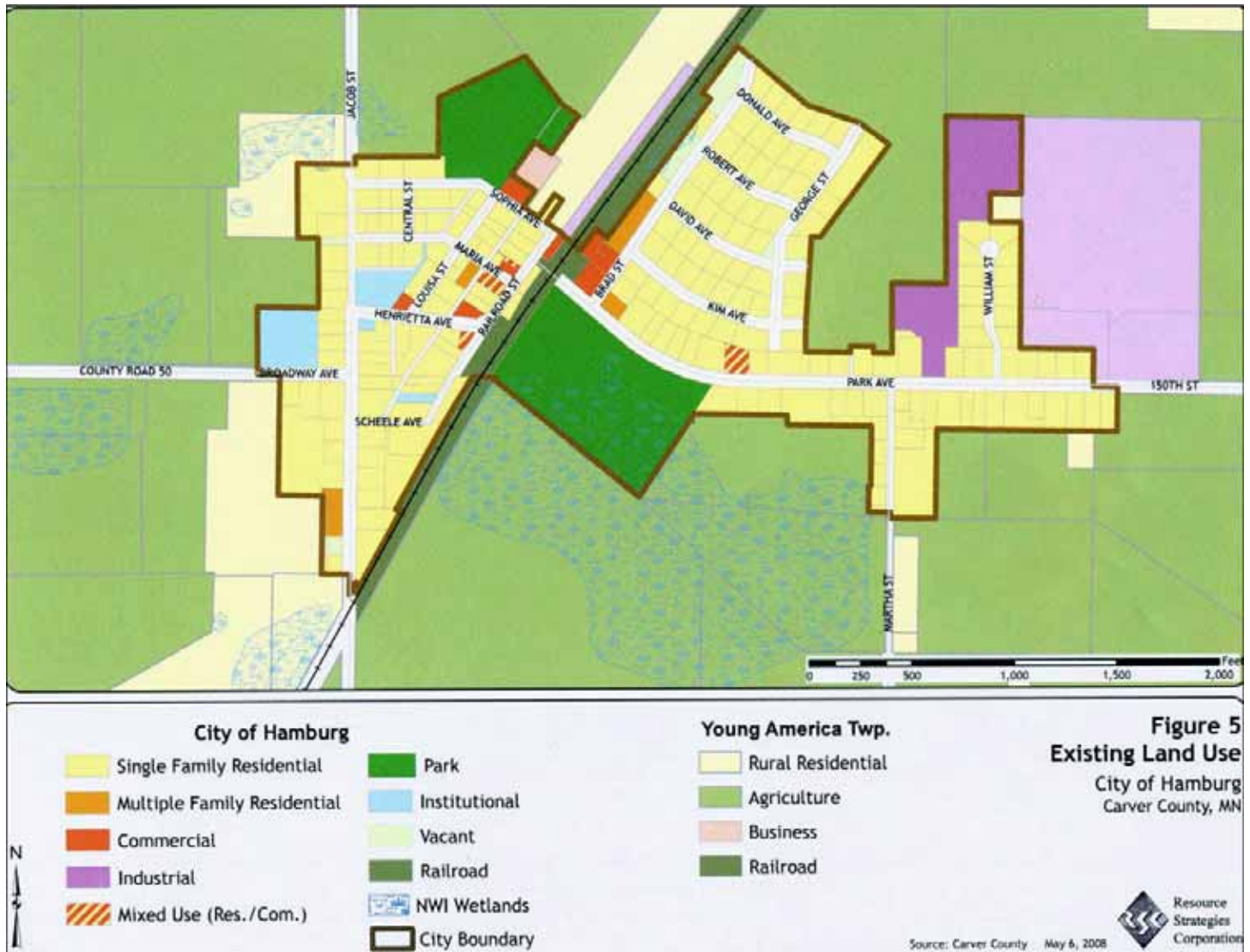


Figure 4. 2030 Land Use Plan, City of Hamburg

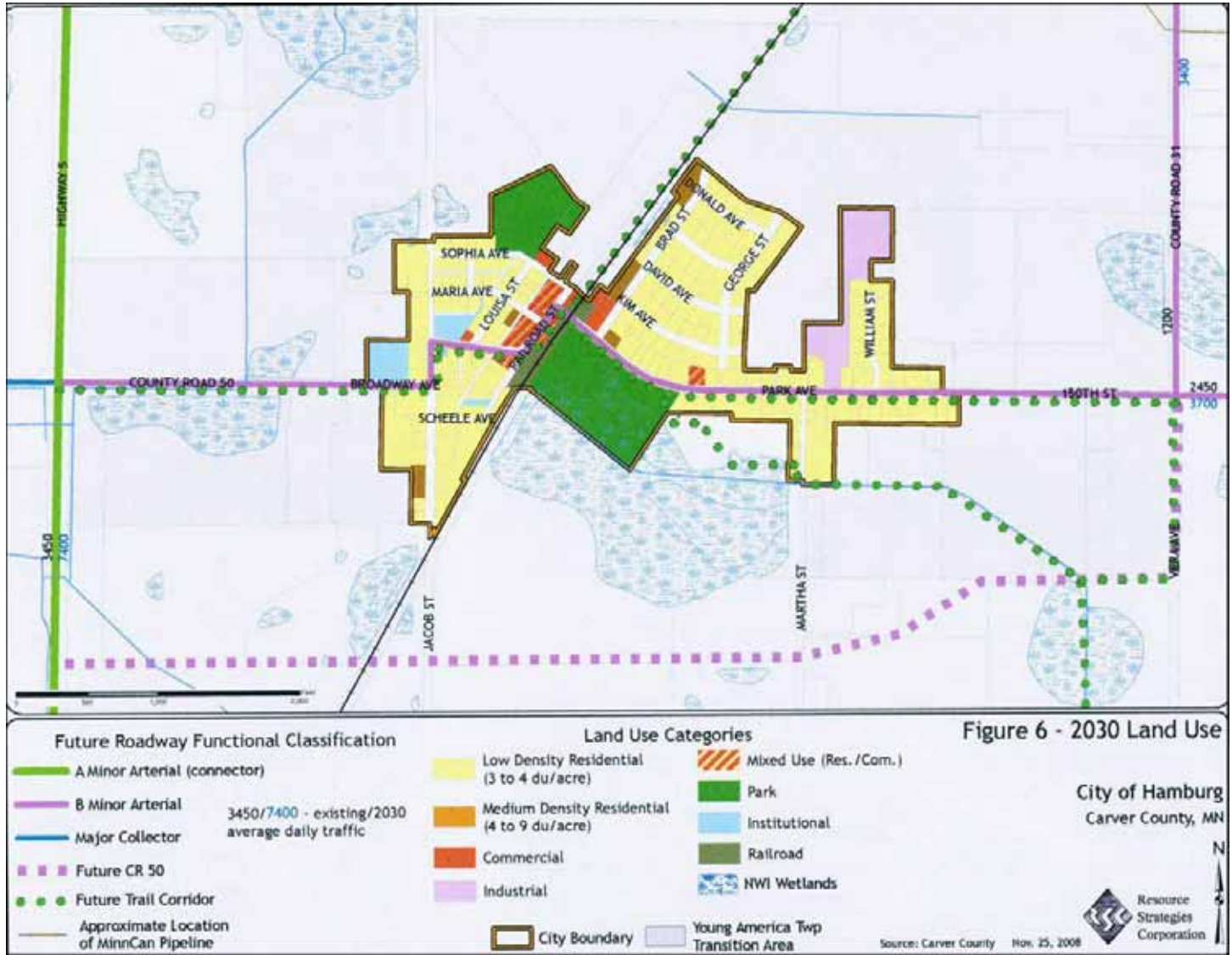


Figure 5. Transition Area Long-Term Land Uses

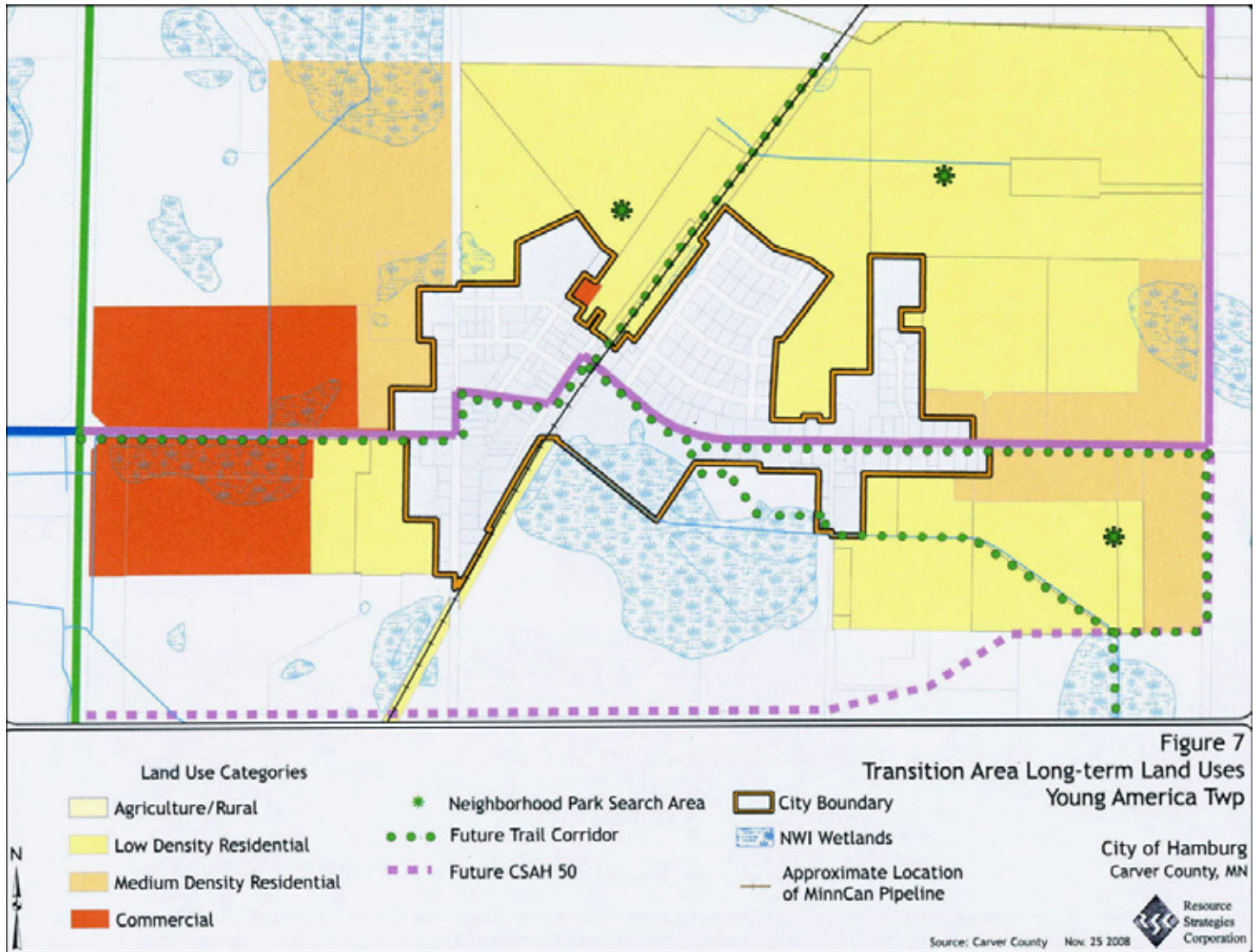


Table 2: Land Use Acreages in 5-Year Stages

City of Hamburg, MN 2030 Comprehensive Plan

LAND USE TABLE IN 5-YEAR STAGES

Existing and Planned Land Use Table (in acres)

Within Urban Service Area	Allowed Density Range Housing Units/Acre		Existing (2006)	2010	2015	2020	2025	2030	Change 2000-2030
	Minimum	Maximum							
Residential Land Uses - current boundaries									
Low Density Residential	3	4	63.1	63.1	62.58	62.58	62.58	62.58	-0.52
Medium Density Residential	4	9	1.71	1.71	2.54	2.54	2.54	2.54	0.83
Mixed Use Primarily Residential*	3	no maximum	0.37	0.37	1.14	1.14	1.14	1.14	0.77
Residential Land Uses - transition area**									
Low Density Residential	3	4	0	0	0	8.67	17.67	26.67	26.67
Medium Density Residential	4	9	0	0	0	6.5	13.25	20.00	20.00
C/I Land Uses	Est. Employees/Acre								
Commercial		NA	1.72	1.72	1.38	1.38	1.38	1.38	-0.34
Industrial		NA	6.82	6.82	6.82	6.82	6.82	6.82	0
Mixed Use Primarily C/I*		NA	0.37	0.37	1.14	1.14	1.14	1.14	0.77
Public/Semi Public Land Uses									
Institutional			3.36	3.36	3.36	3.36	3.36	3.36	0
Parks and Recreation			11.79	11.79	11.79	11.79	11.79	11.79	0
Open Space			NA						
Roadway Rights of Way			22.5	22.5	22.5	22.5	22.5	22.5	0
Utility			NA						0
Railroad			2.2	2.2	2.2	2.2	2.2	2.2	0
Airport			NA						0
Subtotal Sewered			113.94	113.94	115.45	130.62	146.37	162.12	48.18
Outside Urban Service Area	Minimum lot size	Maximum lot size	Existing (2000)	2010	2015	2020	2025	2030	Change 2000-2030
Undeveloped									
Vacant			1.51	1.51	0	0	0	0	-1.51
Wetlands	--	--	6.18	6.18	6.18	6.18	6.18	6.18	0
Total			121.63	121.63	121.63	136.80	152.55	168.30	

* For Mixed Use categories include information regarding the estimated minimum and maximum housing density ranges and acres/percentage of residential use.

**Areas adjacent to the current Hamburg municipal limits and located in Young America Township