



Community Development Committee

Meeting date: February 17, 2009

Business Item

Item: 2009-49

ADVISORY INFORMATION

Date: February 4, 2009

Subject: Scott County 2030 Comprehensive Plan Update
Review File No. 20402-1

District(s), Member(s): District 4, Councilmember Craig Peterson, 651-602-1474

Policy/Legal Reference: Minnesota Statute Section 473.175

Staff Prepared/Presented: Tom Caswell, Principal Reviewer, (651-602-1319)
Phyllis Hanson, Manager, Local Planning Assistance (651-602-1566)

Division/Department: Community Development / Planning and Growth Management

Proposed Action

That the Metropolitan Council adopts the attached Review Record and take the following actions from each committee:

Recommendations of the Community Development Committee:

1. Authorize the County to put its Comprehensive Plan Update into effect without any plan modifications.
2. That the County submit to the Council as comprehensive plan amendments all Planned Unit Development (PUD) proposals within the long term regional service area for review for consistency with Council Regional Wastewater Policy.
3. Remind the County to submit a copy of the County Board Resolution adopting its Update to the Council for its records;
4. Remind the County that Minnesota Statutes 473.864 require it to formally adopt the Comprehensive Plan after the Council's final action and require the County to submit two copies of the adopted Plan to the Council in a timely manner; and,
5. Remind the County that it is required to submit any ordinances and controls intended to help implement the Plan to the Council upon adoption including ordinances that permit residential densities that exceed Council policy for the Diversified Rural Area.

The County is not required to develop a Tier II sewer plan.

Background

Scott County has planning authority for the 11 townships within its borders. The Update fulfills the Metropolitan Land Planning Act (MLPA) and system statement requirements for the townships of Blakeley, Belle Plaine, Cedar Lake, Credit River, Jackson, Louisville, New Market, Helena, Spring Lake, St. Lawrence, and Sand Creek.

Scott County is located in the southwestern portion of the Twin Cities metropolitan area. Like most counties in the Region, Scott County experienced substantial growth during the late 1990's and early 2000's. According to the 2000 census, the county (including the cities) had grown about 54% (31,000 people) between 1990 and 2000. The Council forecasts that the county will grow by nearly 70,000 people and 34,400 households between the years 2010 and 2030.

The county contains a wide variety of communities and lifestyles. In 2005, the cities of Prior Lake, Shakopee and Savage were home to over 77,000 people. The county also has three rural growth centers, Jordan, Belle Plaine, and Elko New Market. The remainder of the county is the 11 townships which provide extensive agriculture, rural single-family residential, and some limited commercial areas. The townships comprise about 295 square miles, of that about two thirds is in agricultural and farmstead uses, and the remainder in general rural uses.

The county is responsible for planning and zoning in the unincorporated areas. Historically, the townships have played an active role in the planning and implementation process since 1969. The Update guides growth and development through 2030. The Update also discusses and analyzes total build out of the County under varying circumstances and conditions, including looking at the County both with and without a new Regional Wastewater Treatment Plant to be built after the year 2030.

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 | No – <i>The Scott County Update allows rural densities which are higher than recommended by the <u>2030 Regional Development Framework</u>. The areas in which higher density is allowed are primarily outside any known long-term wastewater service area, and do not represent a substantial departure from or impact on regional system plans.</i> |
| 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 Scott County received a Local Planning Assistance Grant of \$50,000 to assist in the preparation of this update.

Known Support/Opposition

There is no known opposition.

REVIEW RECORD

Review of the Scott County Comprehensive Plan Update (Update)

STATUTORY AUTHORITY

The Metropolitan Land Planning Act (MLPA) requires local units of government to submit comprehensive plans (Plans) and plan amendments to the Metropolitan Council (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 Scott County Update is in conformance with the *2030 Regional Parks Policy Plan*. Scott County submitted the following revised maps and text: 2030 Planned Land Use Map (Figure V-15), Countywide Composite Land Use Map (Figure VI-2), Scott County Regional Park and Trail System Map (Figure VII-2), Scott County Regional Park System Map (Figure VII-20), and Park/Open Space Planning Designation text (pages V-35 and V-39). These revisions acknowledge the parcels within the master plan boundaries of regional parks that have not yet been acquired by Scott County and add "Park/Open Space" as a future land use designation. The review is based on these revisions and must be adopted by the County in the final document.

Transportation

Roads and Transit

Reviewer: Carol Becker, MTS – Systems Planning, (651-602-1756)

The Update is in conformance with the *Transportation Policy Plan* and addresses all the applicable transportation and transit requirements.

The transportation chapter includes an extensive analysis of existing and future transportation deficiencies and recommends improvements to the minor arterial, major and minor collector and local roadway networks. Scott County lies within Transit Market Area III and IV. Service options for Market Area III include peak-only express, small vehicle circulators, midday circulators, special needs paratransit (ADA, seniors), and

ridesharing. Service options for Market Area IV include dial-a-ride, vanpools and carpools. Dial-a-ride service is provided by Scott County.

Advisory comments:

The forecasts found in Chapter III (tables III-5, III-26 and III-34) are consistent with Council's currently published forecasts, and thus consistent with regional policy. However, different, higher employment forecasts are utilized in the Scott County Traffic Model. In that section (Table 5 and also Appendix A), Scott County projects 61,100 jobs in 2030. Metropolitan Council's employment forecast after accounting for pending revisions (in Belle Plaine and Jordan) totals 59,000 jobs. The discrepancy is predominantly in the Prior Lake-Shakopee Mdewakanton Sioux Community area. Forecasts for this area are proposed to be revised by the Council staff in 2009.

The existing roadway classification map accurately depicts the "Principal Arterial" and "A-Minor Arterial" systems but there are a number of discrepancies with the "B-Minor Arterials." The most prominent inconsistency is with State Highway Road 19 on the county's southern border. West of State Highway 21 in New Prague, the County Plan shows this roadway to be a "B-Minor Arterial" westward beyond TH 169; the Council's map identifies this roadway to be a "Local." These need to be addressed separately from the Comprehensive Plan Update process. The County needs to formally request changes through the Transportation Advisory Committee-Planning Committee before final adoption of the revised functional classification.

Aviation

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

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

Water Resources Management

Wastewater Services

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

The Update is in conformance with the *Water Resources Management Policy Plan* for wastewater services.

The Planned Land Use section discusses land use densities for areas within the "Urban Expansion" and "Urban Transition" areas. The Plan identifies that interim cluster residential developments would be allowed at densities as high as 1 unit per 5 acres in the Urban Expansion area and as high as 1 unit per 4 acres in the Urban Transition area. These developments would be provided wastewater services through publicly managed facilities until such a time when regional services would become available.

Figure V-14 identifies that cluster developments within the "Urban Expansion" and "Urban Transition" areas could allow development at densities greater than 1 unit per 10 acres, the density allowed for Diversified Rural areas within the RDF. These would be allowed under Planned Unit Developments (PUD) and negotiated Public Values Incentive Programs but would preserve areas within the development to accommodate more economical use of future urban wastewater services, i.e. 3 units per acre densities.

In order to verify that these PUD developments are preserving adequate undeveloped areas for future regional wastewater services at densities of 3 units per net acre, the County will need to submit to the Council, as comprehensive plan amendments, each individual PUD for review.

Tier II Comments

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

Scott County does not provide centralized wastewater service and is, therefore, not required to prepare a Tier II wastewater plan.

Surface Water Management

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

Scott County completed a Water Resources Plan (WRP) for the unincorporated areas of Scott County in 2006 and an amendment to that plan in 2007. The Council reviewed the WRP in 2006 and again in 2007 when the amendment to the plan was sent in for review. The WRP and the amended WRP fulfilled the Council’s requirements for local surface water management plans. The plan when implemented should provide a good framework for managing storm water in the county.

Consistency with Council Policy

Forecasts

Reviewer: Todd Graham, CD – Research, 651-602-1322

The forecasts found in Chapter III (tables III-5, III-26 and III-34) are consistent with Council’s currently published forecasts, and thus consistent with regional policy.

Different, higher employment forecasts are utilized in the Scott County Traffic Model (prepared by SRF). The discrepancy is predominantly in the Prior Lake-Shakopee Mdewakanton Sioux Community area. The forecasts for the SMSC area will be revised by the Council in 2009.

Table 2: Met Council Forecasts as Compared to the County’s Plan

	2000		2010		2020		2030	
	Met Council	County	Met Council	County	Met Council	County	Met Council	County
Population	89,498	89,498	145,640	146,340	189,700	186,800	215,370	221,770
Households	30,692	30,692	53,460	53,610	73,500	71,800	85,890	86,990
Employment	32,009	34,931	44,810	42,310	53,830	49,730	60,890	56,190

2030 Regional Development Framework and Land Use

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

The Scott County Update is not consistent with the 2030 Regional Development Framework due to densities in some portions of the rural area that are higher than recommended in the Framework. This difference does not represent a substantial impact on or departure from any Metropolitan System Plan.

The Scott County 2030 Comprehensive Plan Update provides a variety of density designations, as well as various development options within each category. The plan identifies areas around major cities and rural growth centers as "Urban Expansion" areas. The options provided in the plan for the Urban Expansion area is either a standard of one unit per 40 acres; clustered development at one unit per 10 acres; or clustered development at one unit per 5 acres if on a communal septic system. These densities are allowed only if

safeguards are in place to ensure urban densities will be achieved once urban services become available. A summary of the Update's land use categories and densities allowed is shown in Figure V-14, below.

The areas in which the County is allowing densities greater than recommended in the *Framework* are in Rural Residential Reserve; Rural Residential Growth Area - Staged; and the Rural Residential Growth Area. The densities in the Rural Residential Area are in central and southern Credit River Township and reflect the existing pattern of 2.5 acre lots. This density is consistent with the *Framework*, which identifies Credit River as a Rural Residential area, where higher rural densities are allowed.

The areas inconsistent with the *Framework* are adjacent to Credit River Township – specifically, a portion of Spring Lake Township to the west, and portions of New Market and Cedar Lake Townships to the south and southeast of Credit River Township. Because all of the areas planned by the County for Rural Residential densities are outside of the long-term sewer service area, these higher densities are not “more likely than not to have a substantial impact on or contain a substantial departure from metropolitan system plans”.

The Update also includes a variety of growth management goals and implementation tools the County will use to evaluate potential impact on the environment, including conducting an Alternative Urban Areawide Review (AUAR), and/or Detailed Area Plan, and the use of Planned Unit Developments. The County has plans to encourage private sector collaboration by creating a Public Values Incentive Policy. Developers may be allowed slightly higher densities in exchange for the provision of these public values. The public values, depending on land use category, include: communal sewage treatment and water supply systems that are publicly managed; additional new dedicated public right-of-way for existing or new roadways; public park and trail dedications above the normal dedications requirements; the provision of regional stormwater management above and beyond 3 percent; and conservation of critical natural resource areas as identified and mapped by the County.

Discussed below are the land use categories (also see Map IV-B-1, attached) in the Scott County Plan:

**Figure V-14
Residential Land Use Category
Densities (Units/Gross Acre) and Lot Sizes**

Land Use Category	Base Density	Cluster Density with smaller lots	Cluster Density (w/PUD and Public Value Incentives)¹
Agricultural Preservation Area	1/40 ² (40-acre lot min.)	1/40 (2.5-acre lot max.)	Not applicable
Agricultural Transition Area	1/40 ² (40-acre lot min.)	1/40 (2.5 acre lot max.)	Up to 4/40
Commercial/Industrial Reserve Area	1/40 (40-acre lot min.)	Not applicable	Not applicable
Urban Expansion Area	1/40 (40-acre lot min.)	Not applicable	Up to 1/10 Up to 1/5 w/publicly managed utilities ³ (with developable land reserved for future urban development)
Urban Transition Area	1/40 (40-acre lot min.)	1/10 (1- to 2-acre lot sizes) (with developable land reserved for future urban development)	Up to 1/8 Up to 1/4 w/publicly managed utilities ³ (with developable land reserved for future urban development)
Rural Residential Reserve Area	1/10 non-wetland (10-acre lot min.)	1/8 (2.5-acre lot) (with developable land reserved for open space or future development)	Up to 1/5 Up to 1/2.5 w/publicly managed utilities (with developable land reserved for open space or future development)
Rural Res. Growth Area - Staged	Same as Reserve Area; Same as Growth Area after planning study	Same as Reserve Area; Same as Growth Area after planning study	Same as Reserve Area; Same as Growth Area after planning study
Rural Residential Growth Area	1/2.5 (1- to 2-acre lot sizes)	Not applicable	No maximum density

¹ Density to be negotiated as part of the public values incentive program.

² Existing heavily wooded parcels zoned Agricultural Woodlands (A-2 District) are eligible for a gross density of 1 unit per 10 acres.

³ Planned Unit Developments on publicly managed sewer and water are eligible for additional density, such as PUDs with planned future urban lots with interim individual sewage treatment systems (ISTS), or lots served by a community sewage treatment system (CSIS), and community well under a Subordinate Sewer District. Lots and interim rural neighborhood shall be designed for future urban service standards.

Figure V-16
2030 Planned Land Use Categories, Scott County

Land Use Category	Gross Acres	Developable Acres*
Agricultural Planning Designations	31,868	25,494
Agricultural Preservation Area	15,958	12,766
Agricultural Transition Area	15,910	12,728
Urban Planning Designations	82,059	65,647
Urban Expansion Area	43,571	34,857
Urban Transition Area	38,488	30,790
Rural Planning Designations	42,995	34,397
Rural Residential Reserve Area	20,161	16,129
Rural Residential Growth Area	8,092	6,474
Rural Residential Growth Area - Staged	14,742	11,794
Commercial Planning Designations	7,852	6,282
Commercial/Industrial Area	2,623	2,098
Commercial/Industrial Reserve Area	5,229	4,183
Municipalities	39,116	N/A
Public Lands	12,283	N/A
Lakes	8,526	N/A
Total	224,699	131,802 (Unincorporated areas only)

* Note: Developable Acres assumes 80 percent of gross acreage is developable

Figure V-17
Comparison of 2020 and 2030 Land Use, Scott County

Land Use Category	2020 Plan		2030 Plan	
	Acres	% Total*	Acres	% Total*
Agricultural Planning Designations	53,387	23.8%	31,868	14.2%
Agricultural Preservation Area	53,387	23.8%	15,958	7.1%
Agricultural Transition Area	N/A	N/A	15,910	7.1%
Urban Planning Designations	46,610	20.7%	82,059	36.5%
Urban Expansion Area	46,610	20.7%	43,571	19.4%
Urban Transition Area	N/A	N/A	38,488	17.1%
Rural Planning Designations	64,907	28.9%	42,995	19.1%
Rural Residential Reserve Area	47,043	20.9%	20,161	8.9%
Rural Residential Growth Area	7,646	3.4%	8,092	3.6%
Rural Residential Growth Area - Staged	10,218	4.5%	14,742	6.6%
Commercial Planning Designations	4,834	2.2%	7,852	3.4%
Commercial/Industrial Area	3,338	1.5%	2,623	1.1%
Commercial/Industrial Reserve Area	1,496	0.7%	5,229	2.3%
Municipalities	35,792	16.0%	39,116	17.4%
Public Lands	10,643	4.7%	12,283	5.5%
Lakes	8,526	3.8%	8,526	3.8%
Total	224,699	100%	224,699	100%

* Note: May not total 100 percent due to rounding

Housing

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

The housing element of the Update fulfills the affordable housing planning requirements of the Metropolitan Land Planning Act. The plan acknowledges the 2011-2020 affordable housing needs numbers for the cities within the county that have an allocated share of this need. The plan provides goals, strategies, and implementation tools and programs the County will use to address identified housing needs. The County, through its Community Development Agency (CDA), offers a number of services to assist in the creation and preservation of affordable housing. The CDA partners with local communities to develop and manage housing choices for seniors, low- and moderate-income families and minorities. Through fiscal tools, such as tax abatement, tax increment financing, and Livable Communities grants, the County supports cities to provide financial incentives for projects that include lifecycle or affordable housing to accommodate the construction of Scott County's share of the region's affordable housing.

Individual Sewage Treatment Systems (ISTS) Program

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

The County's Individual/Community Sewage Treatment System Ordinance Number 4 is consistent with Council policy and Minnesota Pollution Control Agency requirements.

The document indicates that as of mid-2007, there are approximately 7370 ISTS in the County's eleven townships, and another 1,320 ISTS in the rural portions of incorporated cities in the County. As of 2007, there were seven developments served by CSTS and two other developments in the planning stages. Figure XI-1 of the document indicates the locations of existing and planned large private sewage treatment systems in the unincorporated areas of the County.

Water Supply

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

Scott County does not provide water supply to communities within the county and is not required to prepare a water supply plan.

Resource Protection

Historic Preservation

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

The Update is consistent for Historic Preservation requirements by including recommended policies and ordinances.

Solar Access Protection

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

The Update is consistent for solar access requirements. The Update addresses the subject of solar access protection in Chapter V of the Update. The County will follow and update as necessary the zoning regulations such as building setbacks and height restrictions to ensure reasonable access to solar energy.

Aggregate Resources Protection

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

The Update is consistent with Council policy on aggregate resource protection. The Update identifies the locations of known aggregate resource deposits within the County on Figure VIII-1 on page VIII-4. Goal V-22

calls for the preservation, protection, and extraction of aggregate resources prior to development of aggregate-rich sites.

Plan Implementation

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

The Update includes a description of and a schedule for:

- 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 County submitted the 2030 Comprehensive Plan Update to adjacent local units of government, school districts, counties and special districts for comment in April of 2008. Comments on the Update were received from several communities, MnDOT, Three Rivers Park District, Prior Lake Spring Lake Watershed District, and Dakota County.

The Update includes all comments received; responds to those comments; and discusses changes made to the Update to reflect the comments received.

Documents Submitted for Review:

- *Scott County 2030 Comprehensive Plan Update and Appendices.*
- Revised Figures related to Future Land Use and Parks, as well as minor revisions in language related to parks and open space were received December 17, 2008
- Revised language for Chapter XI page 7 “strategies and processes to ensure efficient and orderly development in Scott County” – received December 19, 2009.

ATTACHMENTS

- Figure 1: Regional Systems, Scott County
- Figure 2: 2030 Framework Planning Areas, Scott County
- Figure 3: 2030 Planned Land Use, dated December 16, 2008

Figure 1. Regional Systems Map, Scott County

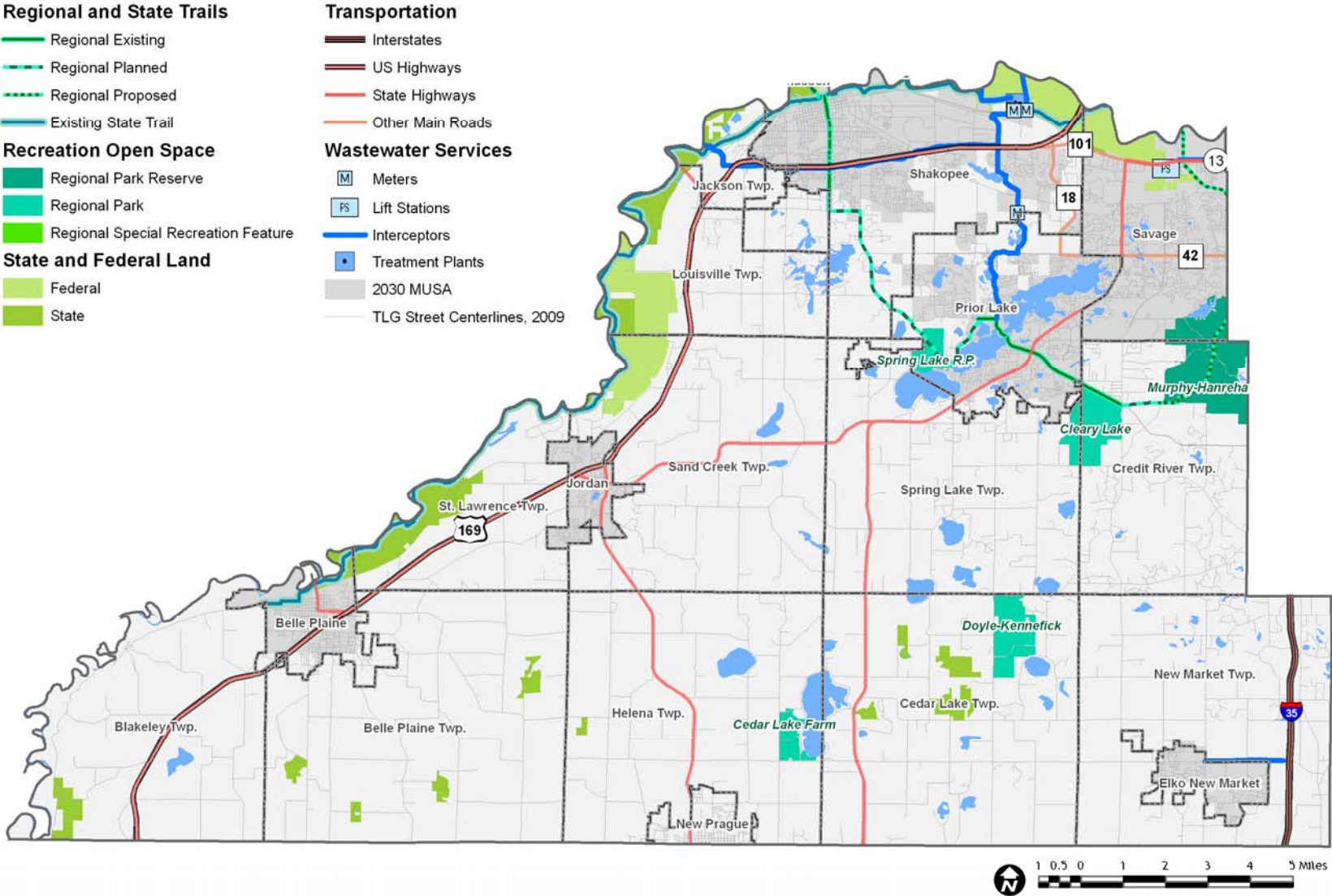


Figure 2. 2030 Regional Framework Planning Areas, Scott County

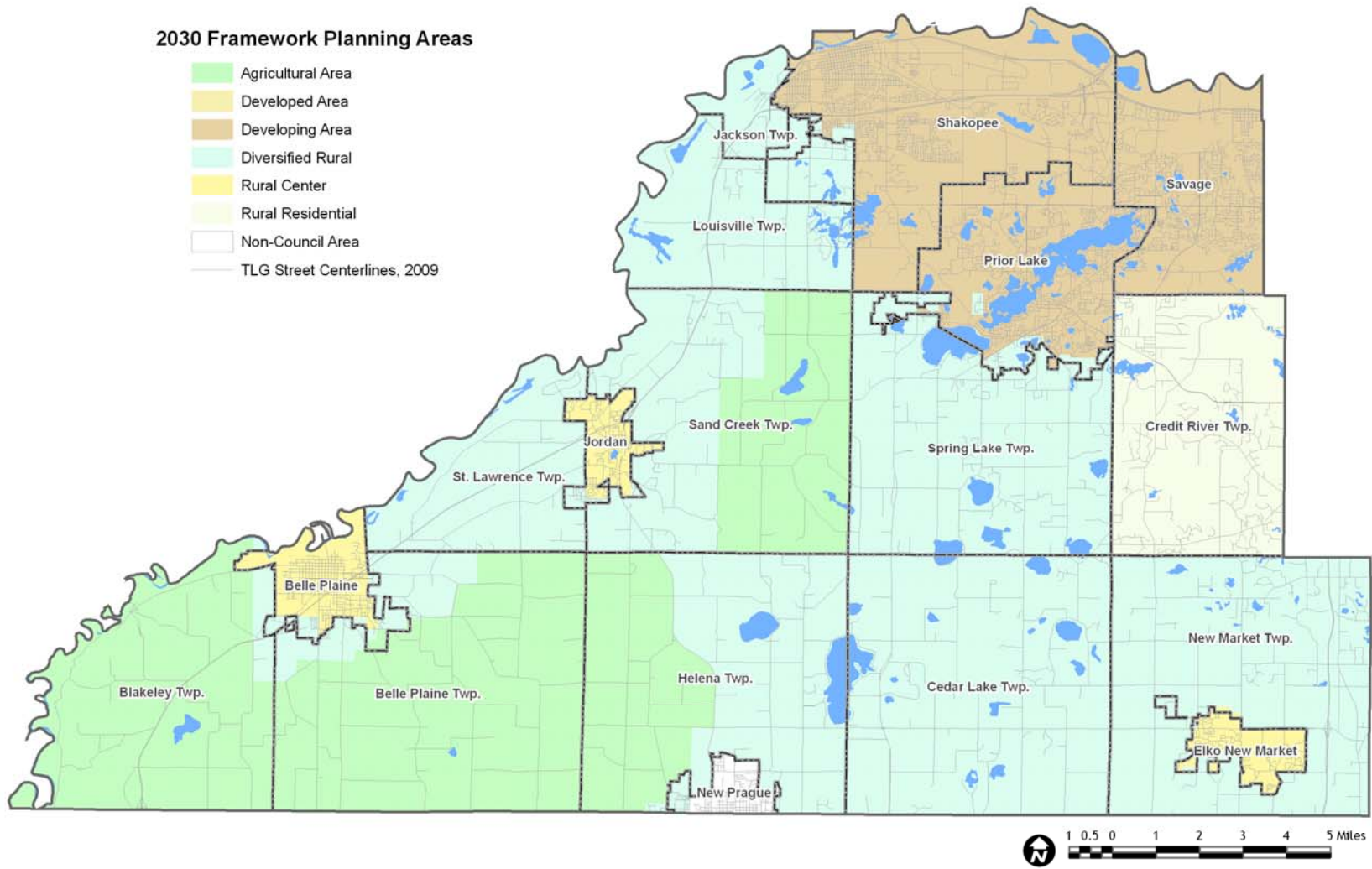


Figure 3: 2030 Planned Land Use (Dated December 16, 2008)

