

**C** Community Development Committee  
Meeting date: September 19, 2011

**ADVISORY INFORMATION**

<b>Subject:</b>	Hennepin County 2030 Comprehensive Plan Update Review File No. 20429-1
<b>District(s), Member(s):</b>	District 1, Roxanne Smith District 2, Lona Schreiber District 3, Jennifer Munt District 4, Gary Van Eyll District 5, Steve Elkins District 6, James Brimeyer District 7, Gary L. Cunningham District 8, Adam Duininck
<b>Policy/Legal Reference:</b>	Minnesota Statutes Section 473.175
<b>Staff Prepared/Presented:</b>	Denise Pedersen Engen, Principal Reviewer, 651-602-1513 Phyllis Hanson, Local Planning Assistance Manager, 651-602-1566,
<b>Division/Department:</b>	Community Development / Planning & Growth Management

**Proposed Action**

That the Metropolitan Council adopts the attached Advisory Comments and Review Record and takes the following recommended actions:

**Recommendation of the Community Development Committee:**

1. Authorize Hennepin County (County) to put its 2030 Comprehensive Plan Update into effect.
2. Advise the County to implement the advisory comments noted in the Review Record for Roads & Transit, Aviation, Surface Water Management, Forecasts and Subsurface Sewage Treatment Systems.

**ADVISORY COMMENTS**  
**Hennepin County 2030 Comprehensive Plan Update**  
Review File No. 20429-1, Council Business Item No. 2011-254

The following advisory comments are part of the Council action authorizing Hennepin County (County) to implement its 2030 Comprehensive Plan Update (Update):

**Community Development Committee**

1. The Council-adopted *Local Planning Handbook* states that the County must take the following steps:
  - (a) Adopt the Update in final form after considering the Council's review recommendations; and
  - (b) Submit one electronic copy and one hard copy of the Update to the Council. The electronic copy must be organized as one unified document.

A copy of the County Board resolution evidencing final approval of the Update should be submitted to the Council.

2. The Council's *Handbook* also states that local governments must formally adopt their comprehensive plan within nine months after the Council's final action. If the Council has recommended changes, local governments should incorporate those recommended changes into the Update or respond to the Council before "final approval" by the governing body of the local governmental unit (Minn. Stat. § 473.858, subd. 3).
3. Local governmental units must adopt official controls and described in their adopted comprehensive plan and must submit copies of the official controls to the Council within 30 days after the 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 plan or which permit activities in conflict with the Council's metropolitan system plans (Minn. Stat. § 473.864, subd. 2; 473.865, subd. 2).

## Background

Hennepin county is 387,934 acres (606 square miles) in size and is located in the northwestern quadrant of the metropolitan area. Within the county's borders lie 44 cities, one township (Hassan, which is expected to merge with the City of Rogers on January 1, 2012) and the Fort Snelling unorganized territory. Two of these cities, Hanover and Rockford, are outside the Council's jurisdiction.

The County is Minnesota's largest in terms of population; the 2010 Census found 1,152,425 people, 475,913 households and 804,182 jobs in the County. Between 2000 and 2010, the County's population increased by 94,474 people. The County is forecasted to continue to grow, with a projected population increase of 244,885 or to 1,397,310 people by 2030.

The County does not exercise land use authority, as each of its municipalities, including Hassan township, is responsible for local planning decisions. This limits the items required for the County to include in its comprehensive plan update (Update) in order for the Update to conform to system plans for regional parks, transportation, and aviation; be consistent with Council policy requirements for forecasts and individual sewage treatment systems program; and be compatible with the plans of adjacent governmental units and of affected special districts and school districts.

## Rationale – Standard of Review and Findings

1. Does the proposed Update conform to Regional Systems Plans?
2. Is the Update consistent with Metropolitan Council policies?
3. Is the Update compatible with 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<br>(Wastewater Services and Surface Water Management) | Not Applicable |

### Consistent with Council Policy Requirements:

- |  |                             |
|--|-----------------------------|
| 1. Forecasts   | Yes                         |
| 2. Housing   | Not Applicable              |
| 3. <i>2030 Regional Development Framework</i> and Land Use | Not Applicable for Land Use |
| 4. Subsurface Sewage Treatment Systems (ISTS) Program      | No                          |
| 5. Water Supply  | Not Applicable              |

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

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

## Funding

None.

## Known Support / Opposition

There is no known opposition.

# REVIEW RECORD

## Review of the Hennepin County 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 conforms to the *2030 Regional Parks Policy Plan*. The Update acknowledges that the Minneapolis Park & Recreation Board and Three Rivers Park District own and operate the regional parks system facilities within Hennepin County, which include:

<b>Regional Parks:</b>	
Above the Falls Regional Park	Lake Minnetonka Regional Park
Bryant Lake Regional Park	Lake Sarah Regional Park (planned)
Central Mississippi Regional Park	Minneapolis Chain of Lakes Regional Park
Clifton French Regional Park	Minnehaha Regional Park
Coon Rapids Dam Regional Park	Mississippi Gorge Regional Park
Eagle Lake Regional Park	Nokomis-Hiawatha Regional Park
Fish Lake Regional Park	North Mississippi Regional Park
Lake Minnetonka Islands Regional Park	Theodore Wirth Regional Park
<b>Special Recreation Features:</b>	
Gale Woods Farm	Noerenberg Gardens

<b>Regional Trails:</b>	
Bassett Creek Regional Trail	Minnehaha Parkway Regional Trail
Cedar Lake Regional Trail	Minnesota River Bluffs LRT Regional Trail
Cedar Lake LRT Regional Trail	Nine Mile Creek Regional Trail (proposed)
Columbia Parkway Regional Trail	North Cedar Lake Regional Trail
Crow River Regional Trail (proposed)	Northeast Diagonal Regional Trail
Crystal Lake Regional Trail (proposed)	Ridgeway Parkway Regional Trail
Dakota Rail Regional Trail	Rush Creek Regional Trail
Grand Rounds Missing Link Regional Trail (proposed)	Sarah Creek Regional Trail (proposed)
Kenilworth Regional Trail	Shingle Creek Regional Trail
Lake Independence Regional Trail	St. Anthony Parkway Regional Trail
Lake Minnetonka LRT Regional Trail	Twin Lakes Regional Trail (planned)
Luce Line Regional Trail	Victory Memorial Parkway Regional Trail
Medicine Lake Regional Trail	

## **Transportation**

### ***Roads and Transit***

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

The Update conforms to the *2030 Transportation Policy Plan* adopted in 2004, and addresses all the applicable transportation and transit requirements of a comprehensive plan.

#### *Advisory Comment*

The Council adopted a revised *Transportation Policy Plan (TPP)* in November, 2010. The County's transportation plan reflects many elements of this 2010 *TPP*. In July 2011 the Council sent a system statement to the County which summarizes the changes in the 2010 *TPP*, and highlights those elements in the 2010 *TPP* which are specific to the County. The County needs to review this system statement, to ensure that the comprehensive plan continues to conform to the 2010 *TPP*.

### ***Aviation***

*Reviewer: Russell Owen, MTS – Systems Planning (651-602-1724)*

The Update conforms to the *2030 Transportation Policy Plan* adopted in 2004, and is consistent with the Council's aviation policy.

#### *Advisory Comments*

As mentioned above in the advisory comment for Roads and Transit, the Council adopted a revised *TPP* in November, 2010, and in July 2011 the County was issued a new system statement which summarizes changes made in the 2010 *TPP*. The County needs to review this new system statement and its comprehensive plan update to assure continued conformance of the Update with the regional transportation system

plan. The following notes some of the changes that were made in the 2010 *TPP* to plans for airports within Hennepin County:

- **2025 Long Term Comprehensive Development Plan (LTCP) for the Crystal Airport (2008)**. The new plan removes the turf crosswind runway as well as one of the primary runways. The plan proposes to reconstruct the parallel runway for a taxiway. This plan also provides new noise contours for the updated aviation forecast.
- **2025 Long Term Comprehensive Development Plan (LTCP) for the Flying Cloud Airport (2010)**. The plan recommends shifting Runway 18/36, 58 feet to the north, and adding an additional 109 feet for a runway length of 2,800 feet. The plan also recommends adding Runway 18-36 north perimeter road. Further airside and landside development is discussed in the plan. New noise contours have been developed for the LTCP. The Metropolitan Airport Commission has established a joint airport zoning board for the Airport.
- **2030 Long Term Comprehensive Development Plan (LTCP) for the Minneapolis-St. Paul International Airport (MSP) (2010)**. This plan focuses on additional gates at both terminals, improvement of access roads, security screening/passenger processing, improvement of parking, and improved rental car facilities. New noise contours have been developed for the LTCP.

## **Water Resources Management**

### ***Wastewater Service***

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

The Update is conformance to the *2030 Water Resources Management Policy Plan (WRMPP)*.

### ***Tier II Comments***

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

### ***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. While the County is not mandated to prepare a local surface water management plan, they do have a significant role in water management within the County. The Update does a good job of describing the County's role in water resources management and protection.

### ***Advisory Comment***

The County should be aware that several of the approved Total Maximum Daily Load (TMDL) studies, i.e. Shingle Creek chloride study and Medicine Lake nutrient study, issued a waste load reduction allocation to Hennepin County. As noted in the Update, the County has 18 months to revise its Storm Water Pollution Prevention Plan (SWPPP) to address what actions the County has taken and proposed actions needed to meet the pollutant reduction allocation in the TMDLs. When the revised SWPPP is available for public comment, please advise Council Environmental Services Staff.

## CONSISTENCY WITH COUNCIL POLICY

### Forecasts

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

The Update's forecast-related material is consistent with Council forecasts. The County acknowledges Metropolitan Council forecasts from the 2005 System Statement (Table 1).

**Table 1. Hennepin County Update Forecasts**

	2010	2020	2030
Population	1,213,600	1,309,630	1,384,800
Households	504,920	550,610	585,680
Employment	969,890	1,045,610	1,105,230

### Advisory Comment

The County is advised that the Metropolitan Council has revised the forecasts since 2005, and continues to revise forecasts in consultation with municipalities. The County is encouraged to use up-to-date forecasts in its planning. The Council's current revised forecasts for the County are shown in Table 2:

**Table 2. Council Revised Hennepin County Forecasts**

	2010	2020	2030
Population	1,212,480	1,311,115	1,397,310
Households	501,750	552,115	594,465
Employment	948,430	1,043,420	1,136,260

### 2030 Regional Development Framework and Land Use

Reviewer: Denise Engen, CD – Local Planning Assistance, (651-602-1513)

The Update is consistent with the *2030 Regional Development Framework*. The Metropolitan Land Planning Act specifically exempts Hennepin County from the land use planning requirement, since land use planning authority in Hennepin County resides with individual cities and townships. Therefore, the County has no land planning responsibilities to fulfill in the Update. The Update, however, does include policies regarding land use as it relates to transportation.

**Land Use.** The Hennepin County Transportation System Plan (HSTSP), a component of the Update, discusses land use. Existing land use is addressed on a parcel basis. The County is approximately 387,934 acres in size, or 606 square miles, and is comprised of over 350,000 parcels of land. Approximately 85 percent of land within the county has an existing or future land use designation. Table 2 shows the major existing land use types tracked by the County in its database.

**Table 3. Hennepin County Existing Land Use**

Land Use	Suburban	Minneapolis	Total	Percent
Residential	219,786	92,518	312,304	88.1%
Industrial	2,578	1,344	3,922	1.1%
Commercial	3,786	2,594	6,380	1.8%
Other Misc. Uses	2,729	1,109	3,838	1.1%
Vacant	22,645	5,356	28,001	7.9%
<b>Total</b>	<b>251,524</b>	<b>102,921</b>	<b>354,445</b>	<b>100%</b>

The Update acknowledges that the principal guide in future land use planning is the comprehensive plans of the individual cities, and states that the County will continue to collaborate with these agencies during activities such as development reviews, corridor studies, and project improvements to encourage increased development densities, expanded access to transit, transit corridor and station area planning. The Update states that Hennepin County actively promotes specific types of land use and development, including TOD, affordable housing, and brownfield redevelopment through its incentive-based funding programs, Transit-Oriented Development, Affordable Housing Incentive Fund, and the Environmental Response Fund.

## **Housing**

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

Hennepin County has no land use planning authority because land use jurisdiction falls within the domains of the municipalities located within the county. Because of this, the County is not required to submit a Housing Implementation Plan.

## **Subsurface Sewage Treatment Systems (SSTS)**

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

The Update is not consistent with the WRMPP for SSTS. Hennepin County currently provides permitting, inspection, and enforcement program oversight of approximately 4000 SSTS in 27 separate Cities within the County that have delegated their program responsibilities to the County. Additionally, they anticipate assuming oversight of an additional 1000+ systems in the Cities of Wayzata, Rogers, and Hassan Township in the near future. Current Hennepin County Ordinance No. 19 went into effect in January 2000, but has not been updated to incorporate MPCA SSTS 7080-7082 Rule updates put into effect in February 2008.

The County's program requires all existing systems to be inspected or pumped no less than every three years. The Update indicates that the County sends owners of systems letters outlining required maintenance with accompanying mail-back postcards that are to be completed and returned for recording once systems have been provided maintenance. However, if the postcard is not returned by the system owner in a timely manner, the Update indicates that the County continues to mail out postcards annually until one *is* properly returned, a complaint investigation is conducted, or the current owner applies for a septic permit for system repair or modification. Lack of enforcement is inconsistent with both the *Water Resources Management Policy Plan (WRMPP)* for SSTS and both current MPCA 7080-7082 and previous 7080 Rules. The Council's System Statement for the County indicates that its SSTS management program must be consistent with state rules.

### *Advisory Comments*

The County's Update acknowledges that "recent legislation has been signed into law that would require revisions to local ISTS/SSTS ordinances." The Update indicates that "Hennepin County will update its ISTS/SSTS ordinance by February 4, 2012 to include language related to system maintenance (7080.2450 and 7082.0600 from 2008 numbering) for new and replacement systems." The Update also indicates that the County "will update procedures for maintenance of existing systems to comply with the new rules." Failure to carry out indicated SSTS ordinance changes by February 4, 2012 may jeopardize the County's eligibility to receive Metropolitan Council grant program funds.

## **Water Supply**

*Reviewer: Lanya Ross, ES – Water Supply Planning, (651-602-1803)*

The County does not own or operate a water supply system, and so is not required to complete a water supply plan.



## Resource Protection

### **Historic Preservation**

*Reviewer: Denise Engen, CD – Local Planning Assistance, (651-602-1513)*

Because the County does not have land use authority, it is not required to prepare an historic preservation element.

### **Solar Access Protection**

*Reviewer: Denise Engen, CD – Local Planning Assistance, (651-602-1513)*

Because the County does not have land use authority, it is not required to address solar access protection in its Update.

### **Aggregate Resources Protection**

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

Because the County does not have land use authority, it is not required to address aggregate resource protection in its Update.

### **Mississippi River Critical Area Plan**

*Reviewer: Tori Dupre, CD – Local Planning Assistance, (651-602-1621)*

The Mississippi River Corridor Critical Area forms Hennepin County's eastern boundary from Dayton to the confluence with the Minnesota River at Fort Snelling. The cities along the river corridor have existing critical area plans that implement the state Critical Area requirements, and the federal Mississippi National River and Recreation Area standards. Since Hennepin County has no land use planning authority, it is not required to prepare a critical area plan.

## PLAN IMPLEMENTATION

*Reviewer: Denise Engen, CD – Local Planning Assistance, (651-602-1513)*

The Update includes a description of and schedule for any necessary changes to:

- Capital Improvement Program Yes
- Zoning Code Not Applicable
- Subdivision Code Not Applicable
- ISTS Code Yes
- Housing Implementation Program Not Applicable

The Update contains an implementation section, which describes the official controls and fiscal devices that the County will employ to implement the Update. The Update addresses the specific powers that the County has as they relate to comprehensive plan and implementing the Update. Because the County does not have land use authority, it is not required to develop or employ a zoning code, subdivision code, or housing implementation program.

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

The County submitted drafts of its Update to the adjacent communities, affected school districts, affected watershed districts, and other special districts for comment in May and December, 2008. Public information meetings were conducted in September and October

2009. No compatibility issues of significance with plans of adjacent governmental units and plans of affected special districts and school districts were identified.

## **DOCUMENTS SUBMITTED FOR REVIEW**

- Hennepin County Draft Transportation Systems Plan, received December 23, 2008.
- Draft Hennepin County 2030 Comprehensive Plan Update, received February 12, 2010.
- Correspondence to the Regional Administrator regarding the expected timing for completion and submittal of the Update, received April 14, 2011.
- Supplemental materials and formal submittal of the Hennepin County 2030 Comprehensive Plan Update, received June 29, 2011.
- County Board resolutions 11-2074 and 11-2075R1 authorizing submittal of the Hennepin County 2030 Comprehensive Plan Update and the 2030 Transportation Systems Plan for Council review, received July 14, 2011
- Supplemental information for Forecasts, received July 21, 2011.

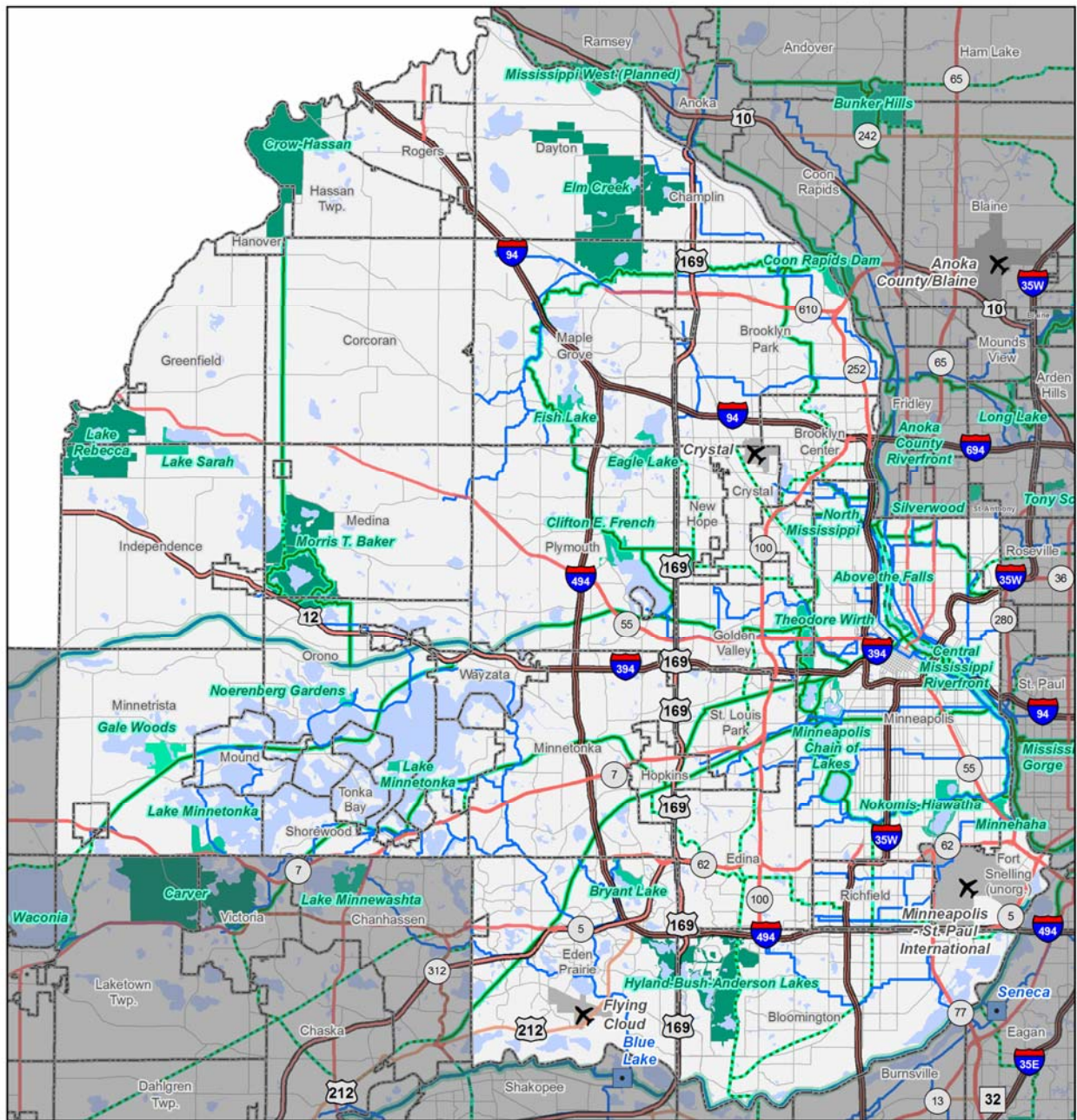
## **ATTACHMENTS**

Figure 1: Location Map with Regional Systems

Figure 2: 2030 Regional Development Framework Planning Areas

Figure 3: Cities Regulated by Hennepin County for Septic Systems

Figure 1. Location Map with Regional Systems



**Regional Systems**

**Transportation**

- Interstates
- US Highways
- State Highways
- Other Main Roads
- Airports

**Wastewater Services**

- Treatment Plants
- Interceptors

**Recreation Open Space**

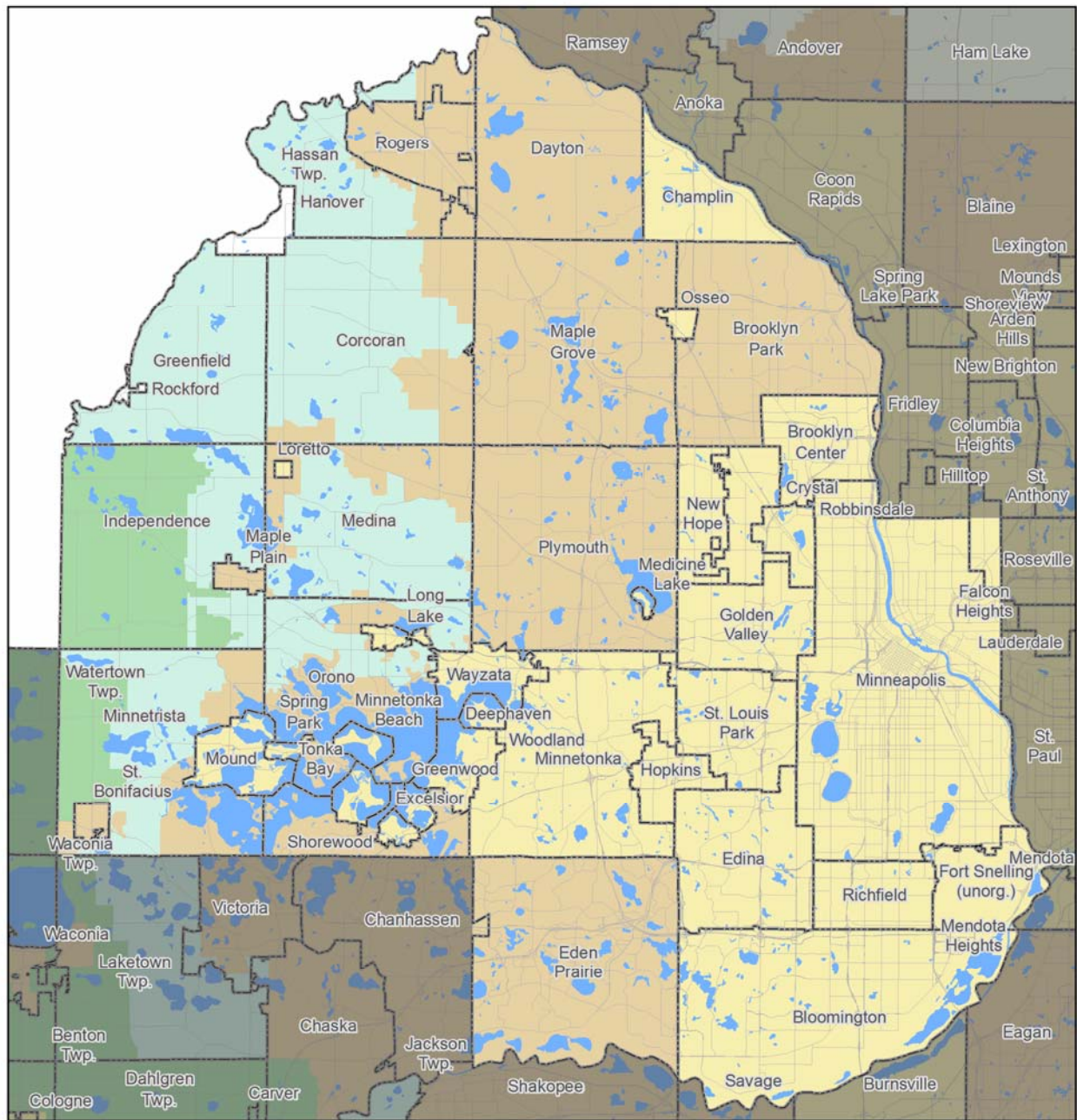
- Regional Park Reserve
- Regional Park
- Special Recreation Feature

**Regional and State Trails**

- Regional Existing
- Regional Planned
- Regional Proposed
- Existing State Trail



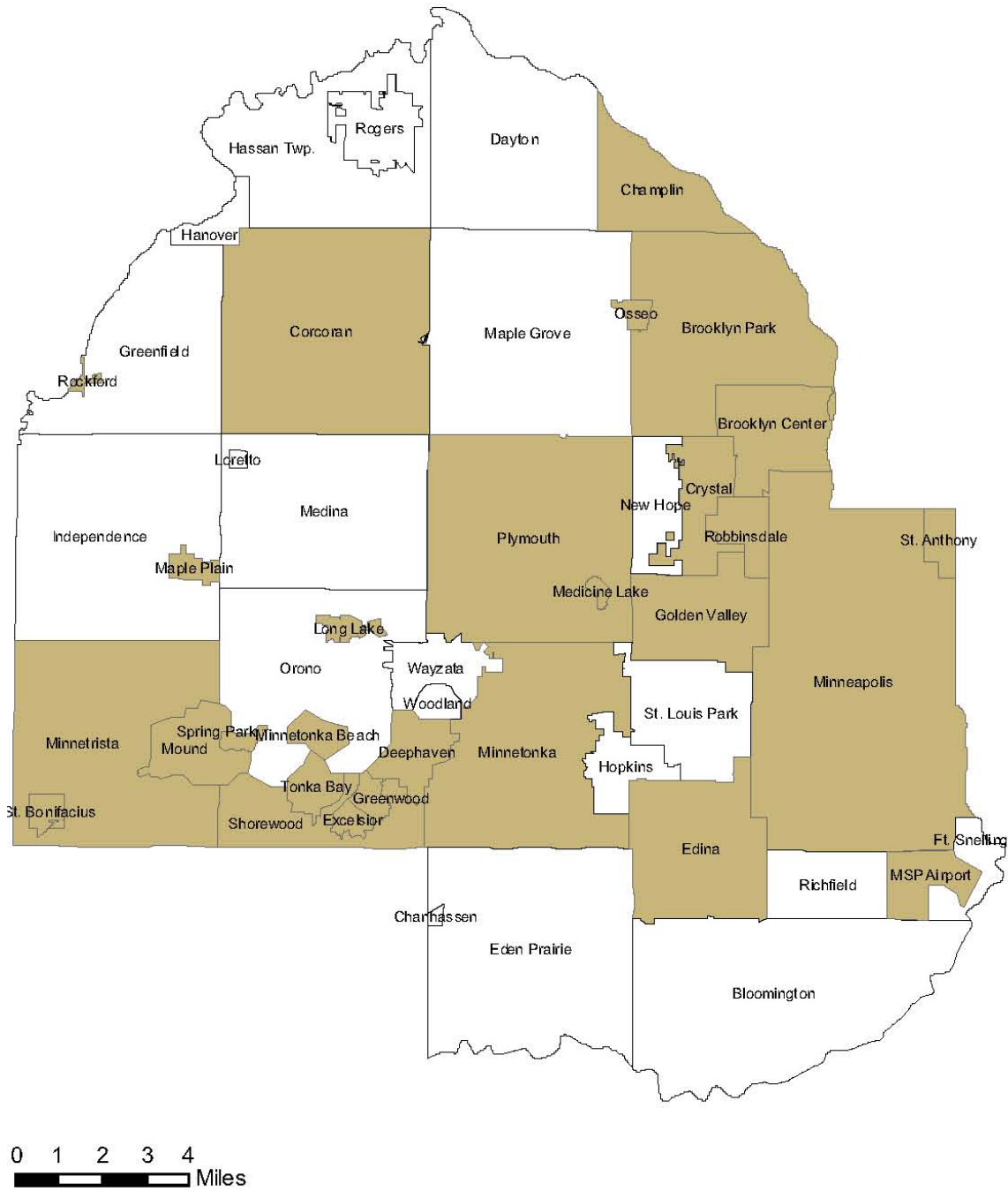
Figure 2. 2030 Regional Development Framework Planning Areas



**2030 Framework Planning Areas**

- Agricultural Area
- Developed Area
- Developing Area
- Diversified Rural
- Rural Center
- Rural Residential
- Non-Council Area

Figure 3. Cities Regulated by Hennepin County for Septic Systems



regulated-cities\_SEPTIC\_101706.mxd

Source: Hennepin County HSPHD - Public Health Protection, 10/2006

Prepared by: Hennepin County HSPHD - Public Health Protection, 10/17/2006