

C Community Development Committee

Meeting date: December 19, 2011

ADVISORY INFORMATION

Subject: Sciota Township 2030 Comprehensive Plan Update
Review File No. 20827-1

District, Member: District 16, Councilmember Wendy Wulff

Policy/Legal Reference: Minnesota Statutes Section 473.175

Staff: Patrick Boylan, Principal Reviewer, 651-602-1438

Prepared/Presented: Phyllis Hanson, Local Planning Assistance Manager (651-602-1566)

Division/Department: Community Development/Planning and Growth Management

PROPOSED ACTION

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

1. Authorize Sciota Township to put its 2030 Comprehensive Plan Update into effect.
2. Advise the Township to implement the advisory comments for Subsurface Sewage Treatment Systems (SSTS) and Parks.

ADVISORY COMMENTS

Sciota Township 2030 Comprehensive Plan Update Review File No. 20827-1 – Council Business Item No. 2011- 369

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.A copy of the Township’s 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 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

The Township of Sciota (Township) is located on the southern boundary of Dakota County (Figure 1).

The *2030 Regional Development Framework* (RDF), as adopted by the Metropolitan Council (Council) in January 2004, identified Sciota Township as an “agricultural area” geographic planning area in the *2030 Regional Development Framework* (Figure 2).

The Township submitted its 2030 Comprehensive Plan (Update) 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.

Rationale – Standard of Review & 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 plans of adjacent governmental units and plans of affected special districts and school districts?

Conformance with Regional Systems Plans:

- | | |
|---|-----|
| 1. Regional Parks | No |
| 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 | No |
| 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 |
|--------------------------------|-----|

Known Support / Opposition

There is no known opposition.

REVIEW RECORD

Sciota Township 2030 Comprehensive Plan Update

STATUTORY AUTHORITY

The Metropolitan Land Planning Act (MLPA) requires local units of government to submit comprehensive plans and plan amendments to the Council for review and comment (Minn. Stat. § 473.864, Subd. 2). The Council reviews plans to determine:

- *Conformance with metropolitan system plans,*
- *Consistency with other adopted Plans of the Council, and*
- *Compatibility with the Plans of other local jurisdictions in the Metropolitan Area.*

The Council may require a local governmental unit to modify any plan or part thereof if, upon the adoption of findings and a resolution, the Council concludes that the Plan is more likely than not to have a substantial impact on or contain a substantial departure from metropolitan system plans (Minn. Stat. § 473.175, Subd. 1).

Each local government unit shall adopt a policy plan for the collection, treatment and disposal of sewage for which the local government unit is responsible, coordinated with the Metropolitan Council's plan, and may revise the same as often as it deems necessary. Each such plan shall be submitted to the Council for review and shall be subject to the approval of the Council as to those features affecting the Council's responsibilities as determined by the Council. Any such features disapproved by the Council shall be modified in accordance with the Council's recommendations (Minn. Stat. § 473.513).

CONFORMANCE WITH REGIONAL SYSTEMS

Regional Parks

Parks and Trails

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

The Update does not conform to the *2030 Regional Parks Policy Plan (RPP)* as it does not name, describe, or map the Dakota County South Regional Trail (DCSRT) Search Corridor. The Update also does not name or specifically describe the planned Mill Towns State Trail.

The Mills Towns State Trail was authorized by the Legislature in 2000 and is proposed to connect Faribault and Cannon Falls. The State has prepared a master plan for the trail which identified two alternative alignments within the Township, although a final alignment has not been selected. The DCSRT Search Corridor is proposed to connect the planned regional park in Empire Township, the planned Mills Towns State Trail and Lake Byllesby Regional Park. The proposed DCSRT will be planned and implemented by Dakota County. Dakota County does not have immediate plans to prepare a master plan that will determine the trail alignment. As a result, the Metropolitan Council has not approved a master plan, expended regional funds, or included the DCSRT in any Capital Improvements Program.

Without this planning, the Update does not describe or map the DCSRT, but does acknowledge in the text coordinating with the County when the planning process is undertaken.

In summary, while the CPU does not conform to the *2030 Regional Parks Policy Plan*, it is not more likely than not to have a substantial departure from or substantial impact on the regional parks system plan. Therefore the Township is not required to modify their Update.

Advisory Comment

The Township is encouraged: 1) to participate in the planning process for the DCSRT when the County undertakes this initiative; 2) to include a copy of the Regional Trail and Park Map from the 2005 System Statement in their final adopted CPU; and, 3) acknowledge the regional trails in the final adopted CPU.

Transportation

Roads and Transit

Reviewer: Elaine Koutsoukos, MTS – Systems Planning (651-602-1717)

The Update conforms with the *2030 Transportation Policy Plan* and addresses all the applicable transportation and transit requirements of a comprehensive plan.

There are no metropolitan highways located in Sciota Township and there are no planned improvements to the transportation system in Sciota Township before 2030.

Sciota Township lies within Transit Market Area IV. Service options for Market Area IV include dial-a-ride, volunteer driver programs, and ridesharing. General public dial-a-ride service is provided by Dakota Areas Resources and Transportation for Seniors (DARTS).

Aviation

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

The Update conforms with the *2030 Transportation Policy Plan* for Aviation.

Water Resources Management

Wastewater Service

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

The Update conforms to the *2030 Water Resources Management Policy Plan* for wastewater services. The Metropolitan Council does not currently provide regional wastewater services to the Township nor does it have any plans to provide regional 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 conforms with the *2030 Water Resources Management Policy Plan* for local surface water management. Sciota Township lies within the North Cannon River watershed. The North Cannon River Watershed Management Organization’s watershed management plan was approved by the Board of Water and Soil Resources (BWSR) in 2003.

The Township adopted the North Cannon River Watershed Management Organization’s watershed management plan as their required LWMP. Therefore, the LWMP is consistent with Council policy and the Council’s Water Resources Management Policy Plan.

CONSISTENCY WITH COUNCIL POLICY

Forecasts

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

The Update is consistent for forecast-related materials. Located in southern Dakota County, Sciota Township is a rural area, and the Metropolitan Council forecasts a growth only 60 households between 2010 and 2030. The CPU provides the required forecasts, and those forecasts are consistent with Metropolitan Council forecasts for Sciota Township (shown in the table below).

Table 1: Metropolitan Council forecasts for Sciota Township

	2000	2010	2020	2030
Population	285	370	430	500
Households	92	130	160	190
Employment	21	60	70	80

2030 Regional Development Framework and Land Use

Reviewer: Patrick Boylan, CD – Local Planning Assistance, (651-602-1438)

The Update is consistent with RDF policies for the “agricultural area.” The Township City has guided enough residential land to accommodate the forecasts presented in the Update and the Township restricts residential development in agricultural areas to one unit per 40 acres.

The primary land use in the Township is tilled agricultural land. Secondary uses include pasture, gravel mining on agricultural zoned land and single family lots clustered in rural subdivisions, or in large lot agricultural settings.

Sciota Township is approximately 9,500 acres in size (14.8 square miles). As of 2009, the Township was developed primarily as *Agriculture*, with 8,862 acres (more than 93%) as under cultivation. In 2009, there were also 626 acres (6.6%) of *Single Family Residential*, 1,023 acres of *Wetlands* (10%) and 7 acres of *Public/Institutional* (less than 1%). The Township does not anticipate any changes to its existing land use pattern from 2010 to 2030.

Table 2: Sciota Township Land Use Breakdown

<i>Land Use</i>	<i>Acres</i>	<i>Percent</i>
Agricultural	8,862	93.3
Single Family	626	6.6
Public / Institutional	7	<1
Wetland (included in above figures)	1,023	10
Total	9,495	100

Source: 2030 Sciota Township Plan

The Town Board and residents have expressed through the planning process to remain agricultural. Expected growth in the planning period is minimal. The Township is forecasted to grow by only 60 households between 2010 and 2030 with 130 more people. In 2010, Council forecasts 3.10 persons per households in the Township; this is expected to drop to 2.63 persons by 2030.

In an agricultural community such as Sciota Township, growth will occur mainly through very small increments.

Housing

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

The housing element fulfills the affordable housing planning requirements of the Metropolitan Land Planning Act. Sciota 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 goals and policies the city will use to address its local housing needs. The Update indicates the city will work with the Dakota County Community Development Agency (CDA), which 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.

Subsurface Sewage Treatment Systems (SSTS) Program

Reviewer: Jim Larsen, Regional Growth Strategy and Parks and Open Space, (651-602-1159)

The Update is not consistent with regional policy for Subsurface Sewage Treatment Systems (SSTS) as it does not include SSTS enforcement language and ordinances.

The Township has adopted Dakota County SSTS Ordinance #113, which is consistent with revised MPCA Rules and Council policies. Dakota County maintains maintenance management recordkeeping and SSTS owner notification responsibilities for the Township. The Township is responsible for review, permitting, inspections of new and existing ISTS, and enforcement of maintenance management requirements.

The Township's Update does not state how enforcement is carried out for this issue.

Advisory Comment

The Township should submit enforcement language and ordinances on SSTS for review and inclusion in the final Plan when adopted.

Water Supply

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

The Update conforms with the *2030 Water Resources Management Policy Plan* and *Master Water Supply Plan* for water supply.

Sciota does not have a municipal water supply system and is not required to have a local water supply plan. Private wells provide potable and non-potable (including irrigation) water to Township residents and businesses. The Township recognizes the threat of groundwater contamination due to agricultural practices and identifies the protection and

preservation of groundwater quality as a goal. Council staff suggest the addition of language to protect and preserve groundwater quantity.

Regardless of urban or rural designations, new development and redevelopment always present opportunities to implement new stormwater management strategies including treatment, reuse, and infiltration as part of construction and site landscaping. The Council also encourages the Township to promote water conservation programs and measures in an effort to promote the efficient use of water, reducing demand for groundwater and related risk of impact to nearby wells and any connected surface waters (including the Cannon River).

Resource Protection

Historic Preservation

Reviewer: Patrick Boylan, CD – Local Planning Assistance, (651-602-1438)

The Update contains a text on Historic Preservation as required by the MLPA. The Update notes that Sciota Township residents value the community’s rural character. Farms, waterways, woods and forests, high quality natural habitat, rural historic and cultural sites, and wide open spaces are defining features of Sciota’s rural character.

Solar Access Protection

Reviewer: Patrick Boylan, CD – Local Planning Assistance, (651-602-1438)

The Update contains text on Solar Access Protection as required by the MLPA. The Update notes that large lots typical in predominantly agricultural areas allow for adequate solar access.

Agricultural Preserves

Reviewer: Patrick Boylan, CD – Local Planning Assistance, (651-602-1438)

The Update contains language on Agricultural Preserves. Agricultural activity in Sciota includes row crops, produce, and livestock. It is the policy of the Township to encourage the use and improvement of agricultural lands for the production of food and other agricultural products. The maximum residential density is no more than one unit per forty acres.

Aggregate Resources Protection

Reviewer: Jim Larsen, Regional Growth Strategy and Parks and Open Space, (651-602-1159)

The Update is consistent with Council policy and contains a section on aggregate resources protection as required by the MLPA. It acknowledges that there are viable aggregate resources within the Township, and provides accommodation for their extraction through a conditional/interim use permit program. The majority of viable aggregate resources on non-environmentally sensitive or protected lands in the Township’s Agricultural areas should remain available for mining well into the future. The Council recognizes the protection and preservation of environmentally sensitive lands to be an acceptable and preferential long-term land use over mining of underlying aggregate resources, which would destroy their environmentally sensitive surface attributes.

PLAN IMPLEMENTATION

Reviewer: Patrick Boylan, CD – Local Planning Assistance, (651-602-1438)

The Update includes a description of:

- | | |
|----------------------------------|-----|
| • Capital Improvement Program | Yes |
| • Zoning Code | Yes |
| • Subdivision Code | Yes |
| • SSTS Codes | No |
| • Housing Implementation Program | Yes |

The Update contains a description of zoning categories, a CIP summary and a description of the implementation tools.

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

The Township submitted the 2030 Comprehensive Plan Update to adjacent local units of government, school districts, counties and special districts for comment in November, 2010. No compatibility issues with plans of adjacent governmental units and plans of affected special districts and school districts were indicated.

DOCUMENTS SUBMITTED FOR REVIEW:

- Sciota Township 2030 Comprehensive Plan, dated January 24, 2011 Comprehensive Plan Transmittal form
- Supplemental Information on land use and capital improvements received December 1, 2011
- Supplemental Information on parks, aggregate resources and surface water management, received December 13, 2011

ATTACHMENTS

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

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**Figure 1. Location Map Showing Regional Systems
Sciota Twp.**

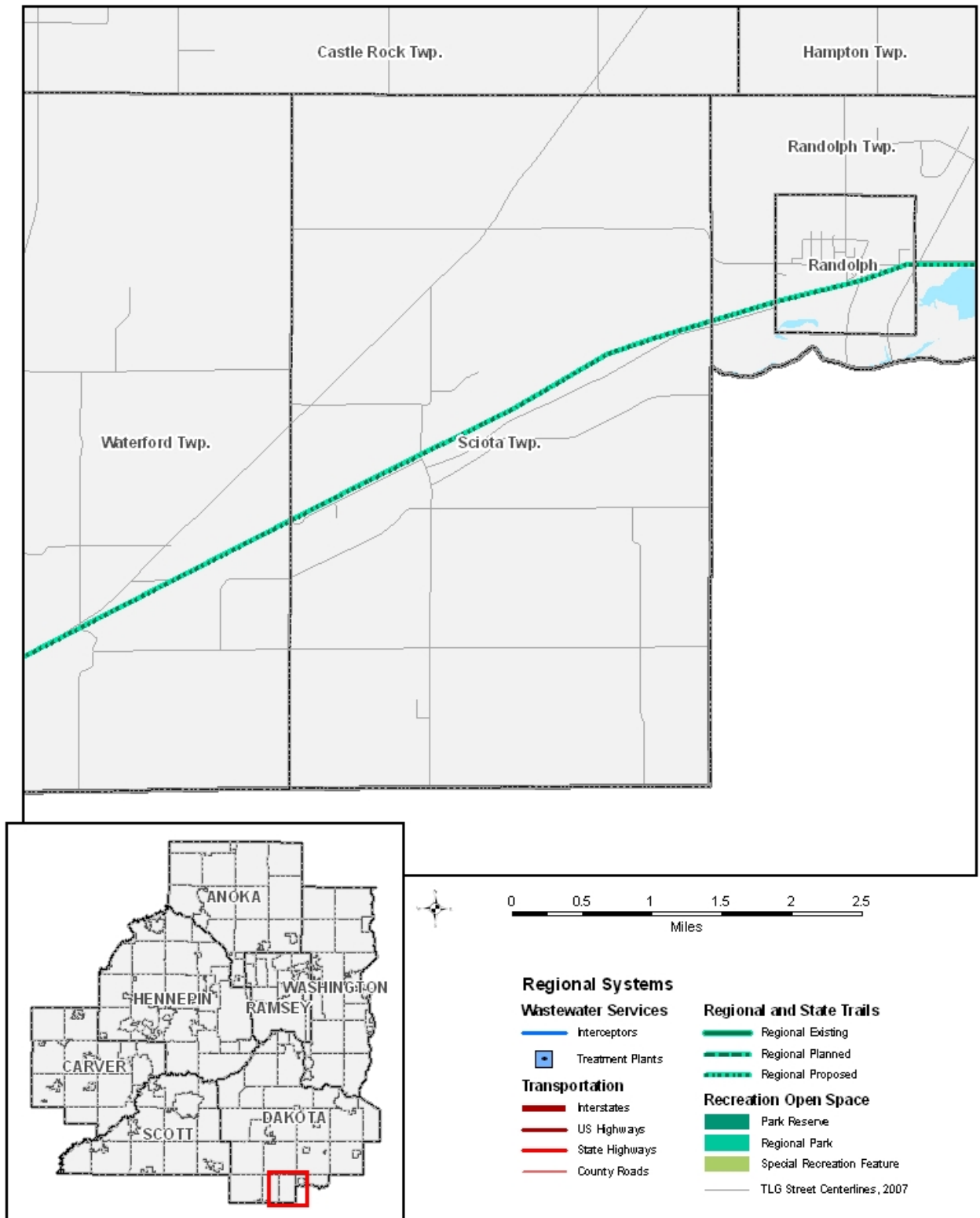


Figure 2. 2030 Regional Development Framework Planning Areas
Sciota Twp.

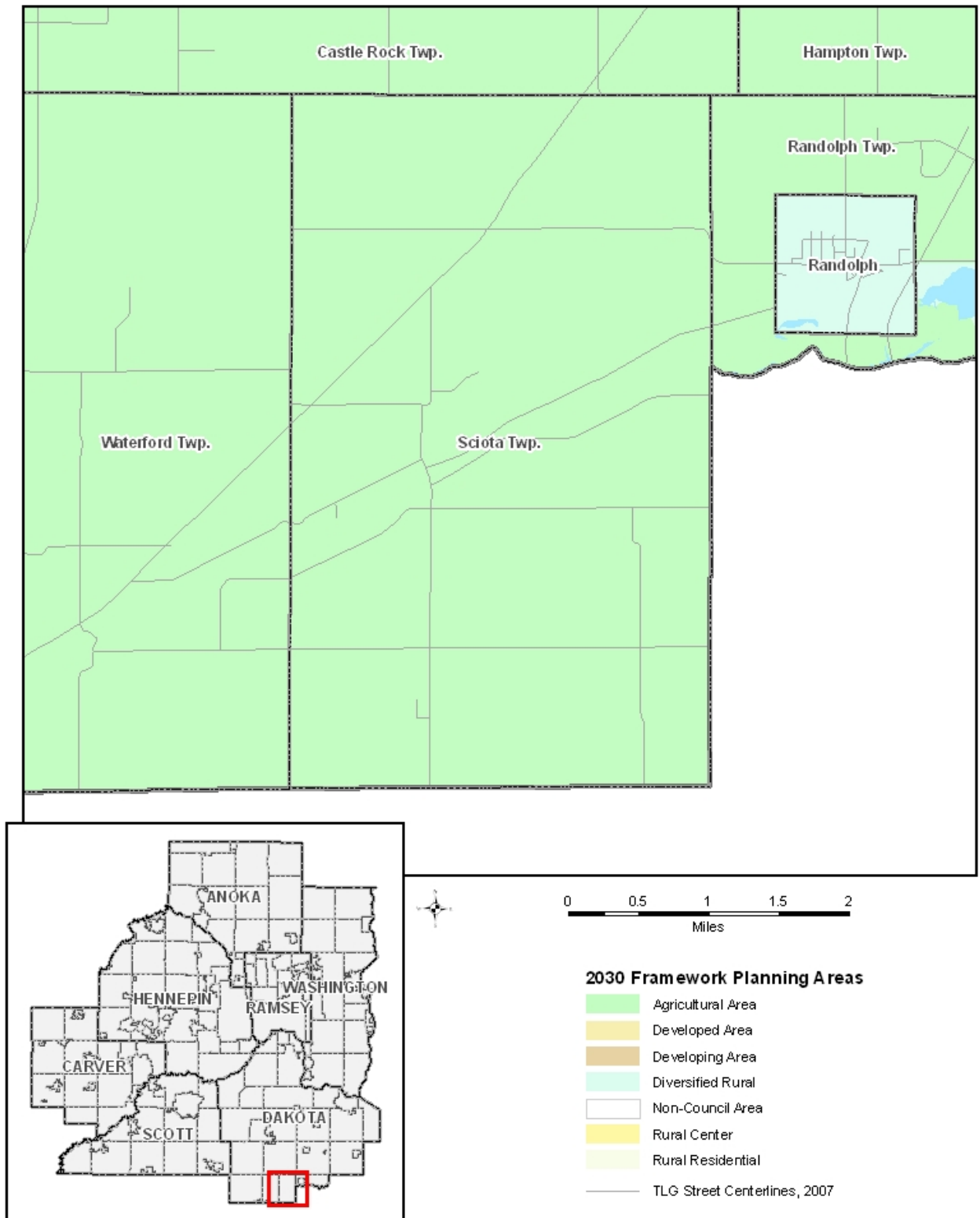


Figure 3. Existing Land Use

Sciota Township: Existing Land Use

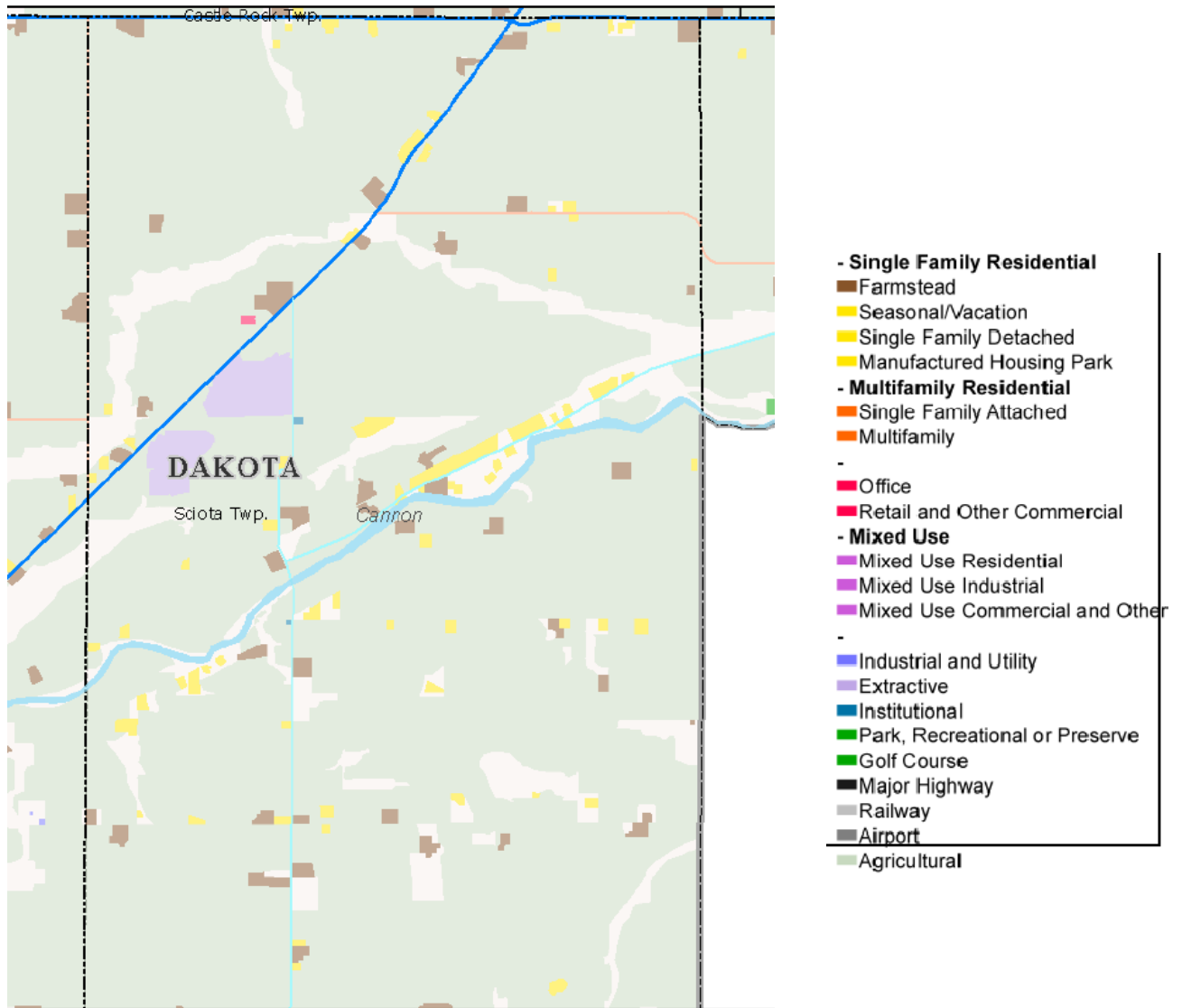


Figure 4. 2030 Planned Land Use

Sciota Township: 2030 Planned Land Use

