

# C Community Development Committee

For the Metropolitan Council meeting of March 28, 2007

## ADVISORY INFORMATION

**Date Prepared:** March 20, 2007

Baytown Township Comprehensive Plan Amendment, GV Properties, Review File

**Subject:** 16335-7

### Summary of Committee Discussion:

Bob Mazanec presented an over view of the amendment, issues, findings and conclusions. He indicated that the recommended action would set a precedent for handling rural residential land use plans that are inconsistent with *2030 Development Framework* density standards when lands are outside of long-term regional wastewater sewer service areas.

Council Member Steffen asked how the precedent would apply to communities in her district with similar situations not much different from this one. Her concern was that if such developments were denied that the Council could end up in court. Mazanec said the precedent is making a distinction between properties or amendments outside a service area and those that are potentially within. Phyllis Hanson, local planning assistance manager, further responded that the distinction being proposed between Baytown and Steffen's community's is that in Baytown Township the potential service area is clearly defined with definite boundaries. In other communities where it hasn't been that clearly defined, such as where the entire community is identified as having long-range urban development and service area potential, this situation is different. Those are going to continue to be presented as more likely than not to be a substantial departure and impact until such time as there is a more clearly defined, and likely smaller, boundary of the location for future services. The area would need to be at least 1,000 acres in size.

Steffen also pointed out that in the past that definition has generally been related to the big pipe. Hanson said that was correct. Steffen added that the Council has recently changed policy in that for the first time it is building something outside of the area of the big pipe to service a sub-region. Hanson indicated the concern is a valid one which should be further explored as the Rural Issues Group discusses the diversified rural area more fully. The only distinction staff is making at this point is in those areas like Baytown Township where the Council has clearly identified long-term regional service areas. Staff is not making a distinction between service through a big pipe or another system. Areas within any potential regional service area will be more stringently protected for future urbanization versus areas that are not within a potential service area. Policy applications beyond such basic distinctions will have to be addressed through Rural Issues Group follow up, particularly examples in Anoka County communities.

### Recommendation:

That the Metropolitan Council allow the Baytown Township GV Properties Comprehensive Plan Amendment to be placed into effect with no required plan modifications.

<b>C</b>	<b>Community Development Committee</b>	<b>Item 2007-54</b>
	Meeting date: March 19, 2007	

**ADVISORY INFORMATION**

<b>Date</b>	February 23, 2007
<b>Subject</b>	Comprehensive Plan Amendment (CPA) Baytown Township, GV Properties Review File No. 16335-7
<b>Districts, Members</b>	District 12, Chris Georgacas (651-292-8062)
<b>Prepared by</b>	Bob Mazanec, Principal Reviewer (651-602-1330) Phyllis Hanson, Local Planning Assistance Manager (651-602-1566) Mark Vander Schaaf, Planning & Growth Management Director (651-602-441)
<b>Division/Department</b>	Local Planning Assistance / Planning and Growth Management

**REQUEST SUMMARY**

Baytown Township proposes a local plan amendment for a 7.42-acre property to allow conventional subdivision of the property for three rural residential dwellings instead of the currently permitted one. The subject property is located outside of the Metropolitan Council's *Regional Wastewater System Long-Term Service Area* in the southeast part of the community. The proposal would change the land use from Rural-Residential (5-acre minimum lot size) to Single-Family Estate (2.5-acre minimum lot size).

**BACKGROUND, PREVIOUS COUNCIL ACTIONS**

- Baytown Township is located in Washington County, surrounded by the cities of Oak Park Heights, Bayport, and Lake Elmo and by West Lakeland Township.
- The *2030 Regional Development Framework* designates Baytown Township as a Diversified Rural community. Regarding Diversified Rural communities the *Development Framework* states:  
*Work with communities to plan development patterns that will: protect natural resources; preserve areas where post-2030 growth can be provided with cost-effective and efficient urban infrastructure; and accommodate forecasted growth through 2030 without requiring the provision of regional urban services...Accommodate growth not to exceed forecasts and clustered development not to exceed 1 unit per 10 acres.*
- In 2000 the Township's population was 1,533 with 492 households and 50 jobs. In 2030 the population is expected to be 3,400 with 1,200 households and 120 jobs.
- There are no existing or planned metropolitan systems in Baytown Township. However, the *2030 Water Resources Management Policy Plan* includes part of Baytown Township within the *Regional Wastewater System Long-Term Service Area* of the St. Croix Valley Wastewater Treatment Plant. It is intended to show areas with potential to receive post 2030 sewer service.
- Comprehensive Plan History
  - 2001— Comprehensive Plan Update reviewed.
  - 2002— West-Central Area amendment—80 acres from Agricultural to Rural Residential and Single-Family Estate—review found it was inconsistent with regional rural density standards but by itself would not have an impact on or result in a substantial departure from regional systems plans—allowed to go into effect.
  - 2005 — Miller amendment—213 acres from Rural-Residential to Single-Family Estate—2030

*Regional Development Framework* and *2030 Water Resources Management Policy Plan* not yet adopted—allowed to go into effect even though density exceeded draft Council standards—warning that future amendments could be subject to required modification.

- 2005 — Water service extension from Bayport to Miller property—allowed as solution to water quality problems from groundwater pollution plume emanating from within the City of Lake Elmo—potential for future service extensions to specified adjacent properties.
- 2006 — Crotty Property amendment (adjacent to Miller Property above) located within Council’s *Regional Wastewater System Long-Term Service Area*—65 acres from Rural Residential to Single-Family Estate—inconsistent with rural density standards—Council began plan modification proceedings because CPA would interfere with the *Long-Term Service Area*’s viability—amendment withdrawn, review terminated.

**PROPOSED ACTION**

That the Metropolitan Council allow the Baytown Township GV Properties Comprehensive Plan Amendment to be placed into effect with no required plan modifications.

**ISSUES**

Is the GV Properties 2½ acre subdivision consistent with *2030 Regional Development Framework* rural area density standards?

Do rural subdivisions of 2 ½ acre lots constitute “more likely than not” substantial impacts on or departures from the Regional System Policy Plans for Water Resources Management if they are not part of a Council-designated *Regional Wastewater System Long-Term Service Area*?

Does the Council’s geographic policy area designation for Baytown appropriately reflect current conditions on the ground and future local land use plans?

**FINDINGS AND CONCLUSIONS**

**Conformity with Regional Systems**      The amendment conforms with current Regional System Policy Plans for Parks, Transportation and Water Resources Management and does not represent “more likely than not” substantial impacts or departures. The subject site lies well outside the Council-designated *Regional Wastewater System Long-Term Service Area*.

**Consistency with Council Policy**      The amendment is not consistent with the *2030 Regional Development Framework* Diversified Rural geographic planning area strategy because it allows densities greater than 1unit per 10 acres. Growth forecasts for Baytown Township are not affected.

**Compatibility with Adjacent Community Plans**      The amendment is compatible with plans of adjacent communities and affected school districts.

## REVIEW AND ANALYSIS

### Regional Systems

#### **Parks** (*Jan Youngquist, 651-602-1029*)

The proposed CPA is in conformance with the regional parks system and will not affect regional parks and trails.

#### **Transportation** (*Ann Braden, 651-602-1705*)

The proposed CPA is in conformance with and will not adversely affect the regional transportation system.

#### **Water Resources Management—Sewers** (*Roger Janzig, 651-602-1119*)

There are no existing or planned metropolitan systems in Baytown Township. Development of the GV Properties site as proposed will utilize individual onsite sewage treatment and water supply systems.

The proposed CPA is in conformance with the regional water resources management system and will not affect regional wastewater facilities. The site is outside of the *Regional Wastewater System Long-Term Service Area*, which is intended to show potential urban service areas after 2030.

#### **Water Resources Management—Surface Water** (*James Larsen, 651-602-1159*)

Surface water management in Baytown Township is overseen by the Browns Creek and Valley Branch Watershed Districts and the Middle St. Croix Watershed Management Organization. The Browns Creek watershed plan was approved by the Board of Water and Soil Resources (BWSR) in 2001. The Valley Branch and Middle St. Croix watershed plans were approved by BWSR in October of 2005 and April of 2006, respectively. Consequently, Baytown Township will be required to complete a local surface water management plan within the ensuing two-year period (by April 2008).

The plan should be submitted to the Council for review concurrent with reviews by the watershed organizations. For guidelines on the contents of local surface water management plans, please refer to Appendix B2-b of the Council's *2030 Water Resources Management Policy Plan*, at <http://www.metrocouncil.org/planning/environment/WRMPP/WRMPP2005.htm>.

### Regional Policies

#### **2030 Regional Development Framework** (*Bob Mazanec, 651-602-1330*)

Baytown's comprehensive plan includes a variety of rural land use categories with a range of densities, some of which are consistent with *Framework* standards, most of which are not. These range from Commercial Food Production at 1du/40A to Single-Family Estate at 1du/ 2.5A. A large majority of Baytown's existing and planned rural residential land uses carry densities of 1du/5A or 1du/2.5A. Since the Council allowed the Township's 2001 comprehensive plan and subsequent amendments to go into effect, Baytown Township increasingly resembles a *Rural Residential* area of 2½ acre lots rather than a *Diversified Rural* area. In addition, most surrounding rural residential areas are already planned, zoned, and/or developed at either 1du/5A or 1du/2.5A as well.

The subject GV Properties is 7.42 acres in size. The amendment proposes to change land use from *Rural-Residential* (1du/5 acres) to *Single-Family Estate* (1du/2.5 acres). Neither the present *Rural-Residential* nor the proposed *Single-Family Estate* land use category is consistent with the *Development Framework* Diversified Rural density standard of 1du/10A.

The effect of the change would be to allow three rural residential dwellings instead of one. By itself the change is not substantial, but taken as whole, Township plans and amendments continue to

move the Township further from the Council's 1du/10A standard. More and more new "rural" developments are being permitted with cluster designs and communal sewer and/or water systems on very small, quasi-suburban, estate lots.

Land use inconsistencies existed in 2001 when the Council reviewed the overall plan and again in 2002 and 2005 when plan amendments similar to this one were reviewed. All were allowed to be put into effect without required modifications. In the 2001 comprehensive plan update review the Council included an advisory recommendation that Baytown consider changing its rural residential density standard to 1du/10A to be consistent with Council policy and to support the Township's own goals for rural character. Although subsequent plan amendments were considered inconsistent with the Council's diversified rural density standard, the reviews also recognized that the Council's geographic policy area designation for Baytown does not reflect current conditions on the ground and future local land use plans.

Although policy inconsistencies have been consistently noted, none rose to the standard of "more likely than not" substantial impacts on or departures from regional systems plans. One amendment in 2006 appeared to meet this standard because it was located within the Council-designated *Regional Wastewater System Long-Term Service Area*, but it was withdrawn from review without establishing a precedent.

**Consistency with the Council's 2030 Forecasts** (Todd Graham, 651-602-1322)

Township forecasts are consistent with Council forecasts. This CPA will not change them.

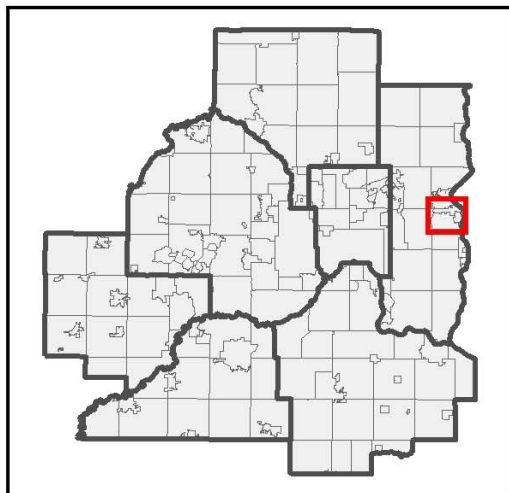
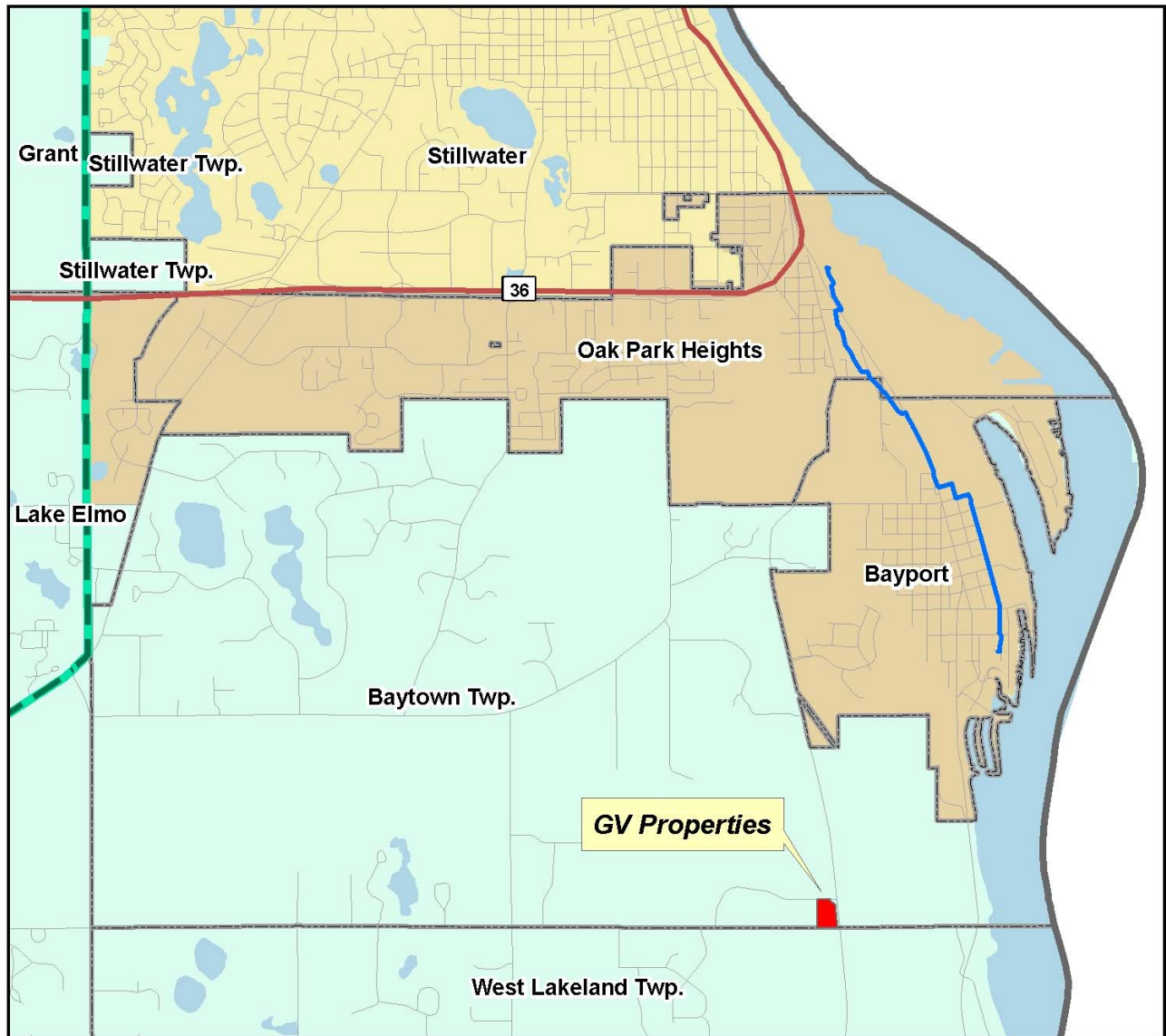
**Adjacent Communities-Affected School Districts**

State law requires two notifications to adjacent and affected jurisdictions about intended comprehensive plan amendments. Prior to Metropolitan Council review the Township circulated this proposed plan amendment to adjacent communities and affected school districts for review and comment. Also, early in its review the Council notified adjacent and overlapping jurisdictions of a review in process and offered an opportunity to request a hearing before the Council. No comments or requests were received.

**Attachments**

- Figure 1—Location Map
- Figure 2—Long-Term Sewer Service Area – GV Properties Map

**Figure 1. Location Map**



**Legend**

 GV Properties CPA

 Planned Regional Trail

 MCES Interceptor

**2030 Framework Planning Areas**

 Developed Area

 Developing Area

 Diversified Rural

Figure 2. Long-Term Sewer Service Area – GV Properties

