

Community Development Committee

Item: 2009-203

For the Metropolitan Council meeting of June 24, 2009

ADVISORY INFORMATION

Date June 17, 2009
Prepared:
Subject: City of Miesville 2030 Comprehensive Plan Update
Review File No. 20460-1

Proposed Action:

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

Authorize the City of Miesville to put its 2030 Comprehensive Plan Update into effect.

Summary of Committee Discussion / Questions:

Senior Planner Patrick Boylan presented the Miesville Update to the committee. The Committee unanimously recommended approval to the Metropolitan Council.

C Community Development Committee

Meeting date: June 15, 2009

ADVISORY INFORMATION

Subject:	City of Miesville 2030 Comprehensive Plan Update Review File No. 20460-1
District(s), Member(s):	District 16, Councilmember Wendy Wulff
Policy/Legal Reference:	Minnesota Statute Section 473.175
Staff Prepared/Presented:	Patrick Boylan, Principal Reviewer, 651-602-1438 Phyllis Hanson, Local Planning Assistance Manager, 651-602-1566
Division/Department:	Community Development / Planning & Growth Management

Proposed Action

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

Recommendations of the Community Development Committee:

Authorize the City of Miesville to put its 2030 Comprehensive Plan Update into effect.

ADVISORY COMMENTS

City of Miesville 2030 Comprehensive Plan Update

Review File No. 20460-1 - Council Business Item No. 2009-203

The following Advisory Comments are part of the Council action authorizing the City of Miesville to implement its 2030 Comprehensive Plan Update.

Community Development Committee

1. The Council-adopted *Local Planning Handbook* states that the City 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 City Council 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 comprehensive plan 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 as described in their adopted Comprehensive Plan Update 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 plan 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 City of Miesville (City) is located in southeast Dakota County, completely surrounded by Douglas Township. (See Figure 1)

The *2030 Regional Development Framework (RDF)*, as adopted by the Metropolitan Council (Council) in January 2004, identified Miesville as partially as a “diversified rural” geographic planning area in the *2030 Regional Development Framework* (Figure 2).

The City 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 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. <i>2030 Regional Development Framework</i> and Land Use | Yes |
| 4. Individual Sewage Treatment Systems (ISTS) Program | Yes |
| 5. Water Supply | N/A |

Compatible with 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 City of Miesville 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

Parks

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

The Update conforms to the *2030 Regional Parks Policy Plan*. There are no existing or planned regional park facilities in Miesville.

Transportation

Roads and Transit

Reviewer: Jonathan Ehrlich, MTS – Systems Planning, (651-602-1408)

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

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

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

The Update conforms to the 2030 Aviation Policy Plan of the TPP and is consistent with Council policy.

Water Resources Management

Wastewater Service

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

The Update is in conformance with the 2030 Water Resources Management Policy Plan (WRMPP). The Update represents the City’s guide for future growth and development through the year 2030. The City is entirely provided wastewater service through the use of private wastewater systems, or Individual Sewage Treatment Systems (ISTS). The Update indicates continued wastewater services will be provided through the use of ISTS through 2030.

The City’s plan does not propose nor anticipates requesting connection to the Regional Wastewater Disposal system within the 20-year planning period. Therefore the City is not required to submit for approval of a Tier II Comprehensive Sanitary Sewer Plan.

The Metropolitan Council does not have plans to provide wastewater services to the community within the 2030 planning period or in the Long Term Service Area.

Surface Water Management

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

The Update is consistent with the Council’s WRMPP for local surface water management. Miesville 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 Update states that the City adopted the North Cannon River Watershed Management Organization’s watershed management plan and a model storm water ordinance as their required LWMP. The Update also includes additional information as required by the WRMPP for the local surface water management plan section. Therefore, the Update has been found to be consistent with Council policy and the Council’s WRMPP.

CONSISTENCY WITH COUNCIL POLICY

Forecasts

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

Forecast data within the Update are consistent with Council Systems Statement forecasts (shown below).

	2010	2020	2030
Households	60	60	60
Population	150	150	150
Employment	130	140	160

2030 Regional Development Framework and Land Use

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

The Update is consistent with the 2030 Regional Development Framework (RDF). The RDF designates Miesville as a Diversified Rural Area, which directs communities to plan for densities no greater than one housing unit per 10 acres. Typically, these communities include a mix of a limited amount of large-lot residential and clustered housing with agricultural and other uses. The Update acknowledges the Council's designations, and includes land use goals and policies that are consistent with Council policies.

The City's goals are: to preserve the existing rural character; to protect the natural resource base, and to preserve and protect the agricultural land and facilities. Currently, 89.6% of the City's land area is in agriculture, none of which are enrolled in the Minnesota Agricultural Preserves Program. 5.8 % of the land is in residential use, less than 1% in parks and open space and just under 2% in commercial use, mostly, along 240th Street East (US Highway 61). The City restricts residential development to one unit per ten acre density in the agricultural area and limiting new residential development to areas adjacent to existing development.

Table 8
Existing land Use Acreages

<u>Land Use Category</u>	<u>Acres</u>	<u>Percent</u>
Agricultural	996.07	89.6
Residential	65.01	5.8
Commercial/Industrial	20.74	1.9
Public/Institutional	11.17	1.0
Parks and Recreation	7.76	0.7
Right-of-Way	6.01	0.5
Vacant	<u>5.11</u>	<u>0.5</u>
TOTAL	1111.87	100%

Agricultural Preserves

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

Miesville does not have any parcels enrolled in the Agricultural Preserves Program under the Metropolitan Agricultural Preserves Act.

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. Miesville 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.

Individual Sewage Treatment Systems (ISTS)

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

The Update fulfils ISTS requirements. The Update indicates that the entire City is served by ISTS. The City has adopted Dakota County ISTS Ordinance #113, which is consistent with MPCA Rules and Council policies.

Dakota County maintains maintenance management recordkeeping and ISTS owner notification for the City, and the City is responsible for review, permitting, inspections of new and existing ISTS, and enforcement of maintenance management requirements. Violations, complaints, and potential system repairs are referred to the Building Official for enforcement. If the Building Official cannot remedy violations and corrections through normal enforcement procedures, the matter is turned over to the City Attorney for prosecution.

Water Supply

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

The Update states that the City does not own and operate a water supply system. The City is not required to have a water supply plan.

Resource Protection

Aggregate Resources Protection

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

The Update protects aggregate resources.

The Update indicates that there are ‘limited aggregate resources’ in the City, that are generally unencumbered by existing development.

The Update further indicates that the resource areas are guided primarily agricultural, which due to their low potential development density of one home per 40 acres, will protect the majority of aggregate resources for potential extraction in the future. .

Historic Preservation

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

The Update contains a section on Historic Preservation as required by the MLPA.

Solar Access Protection

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

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

PLAN IMPLEMENTATION

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

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

- | | |
|----------------------------------|-----|
| ▪ Capital Improvement Program | Yes |
| ▪ Zoning Code | Yes |
| ▪ Subdivision Code | Yes |
| ▪ ISTS Code | Yes |
| ▪ Housing Implementation Program | Yes |

The Update describes Capital Improvement Program (CIP) for civic projects and improvements to public facilities. The Update also contains a description of future changes to the zoning ordinance and subdivision ordinance. The City is currently codifying these ordinances and recognizes the need to update these ordinances pending adoption of the Comprehensive Plan Update. Any changes made to the documents listed above must be submitted to the Council within 30 days of the adoption.

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 June 2008. The City received some responses and incorporated suggested changes in the final draft Update that was submitted to the Council. There are no compatibility issues with plans of adjacent governmental units and plans of affected special districts and school districts.

DOCUMENTS SUBMITTED FOR REVIEW

- 2008 Comprehensive Plan Update Transmittal Form received December 31, 2008
- *2008 Comprehensive Plan Update for the City of Miesville*;
- Letter to LPA Manager, Phyllis Hanson, from Planner Dean Johnson, dated May 8, 2009 re. Response to Metropolitan Council Comment Letter

ATTACHMENTS

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

Figure 1. Location Map Showing Regional Systems
Miesville

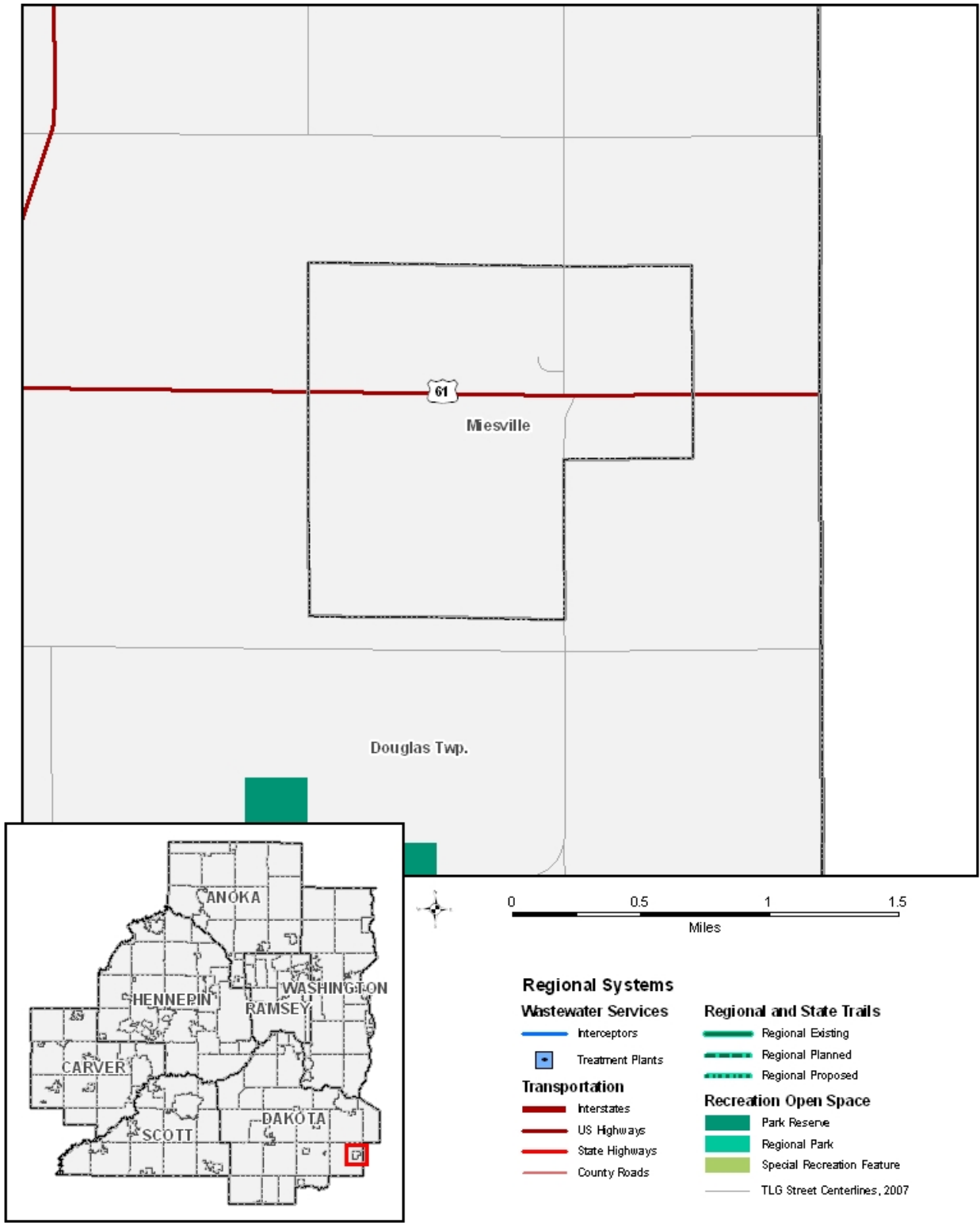


Figure 2. 2030 Regional Development Framework Planning Areas

Miesville

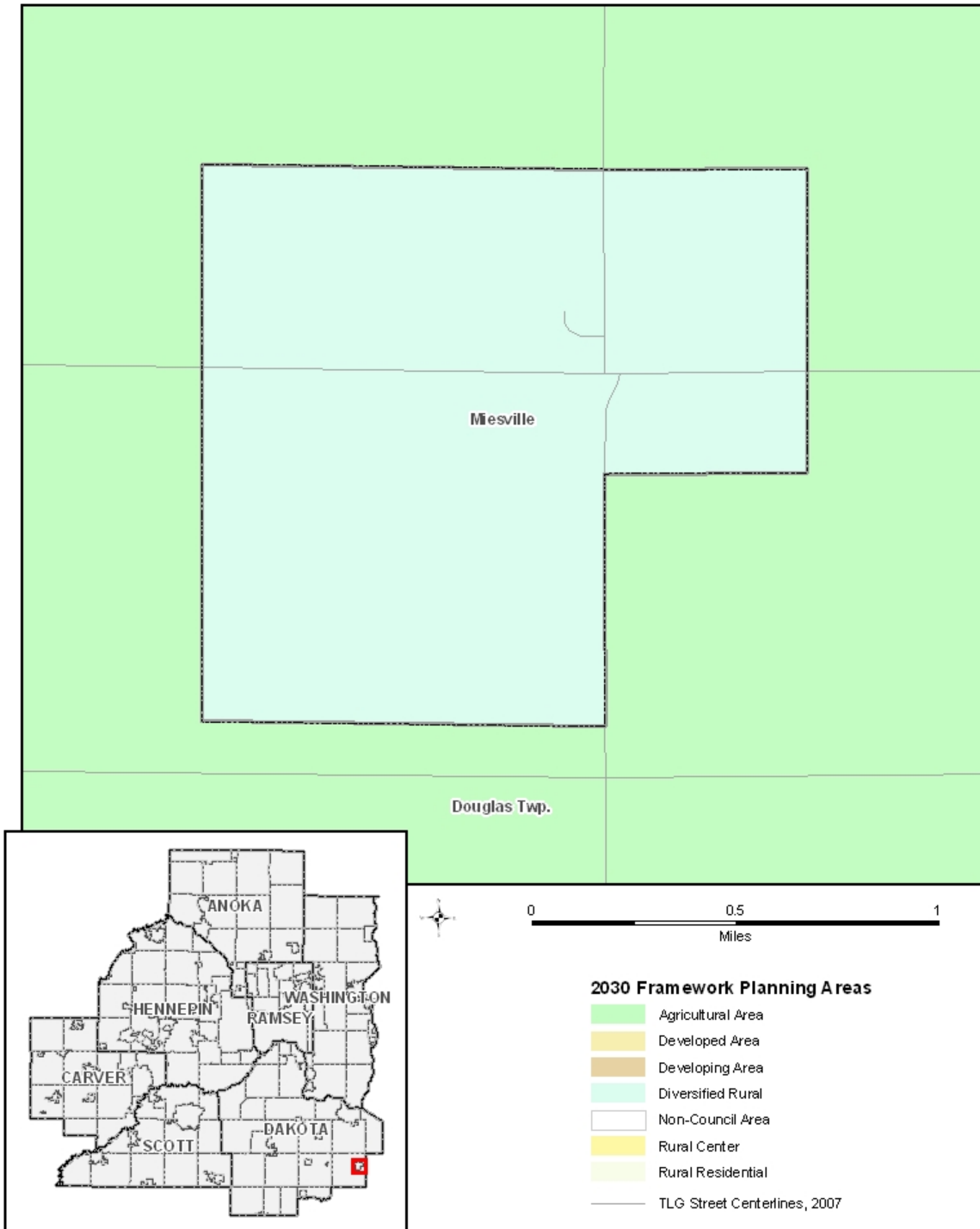


Figure 3. Existing Land Use
Miesville

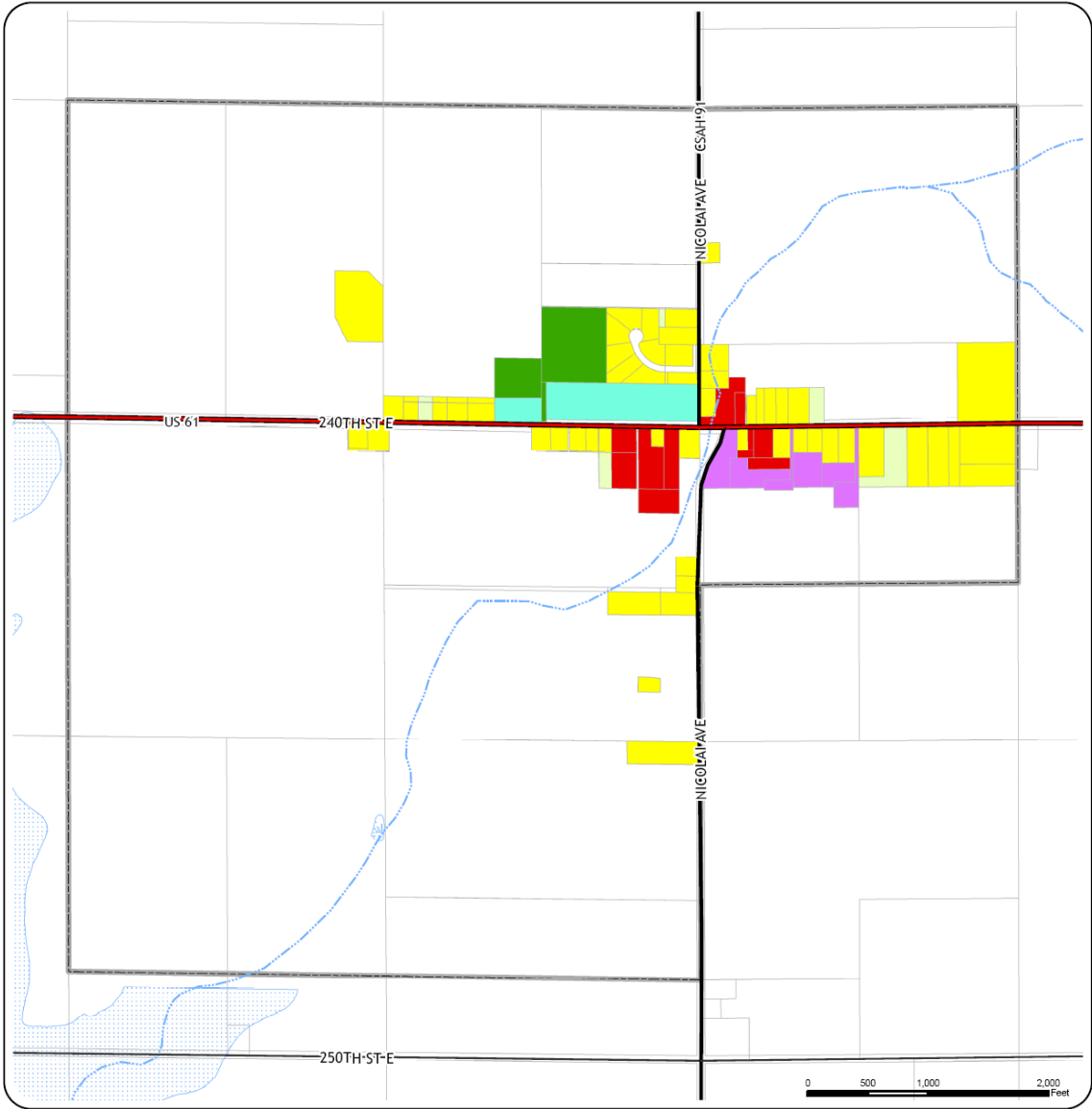


Figure 2 - Existing Land Use
Land Use Category

- | | | |
|---------------------------|--------------|-----------------------|
| Single Family Residential | Park | Stream (intermittent) |
| Commercial | Agricultural | NWI Wetlands |
| Industrial | Vacant | Floodplain |
| Public/Institutional | | |

City of Miesville
Dakota County, Minnesota



Source: Dakota County June 2008

Figure 4. Future Land Use
 City of Miesville

