

Community Development Committee

Item: 2009-204

For the Metropolitan Council meeting of June 24, 2009

ADVISORY INFORMATION

Date June 17, 2009
Prepared:
Subject: Dakota County Rural Collaborative 2030 Comprehensive Plan Update
Review File No. 20462-1

Proposed Action:

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

1. Authorize the following townships of the Rural Collaborative to put their Comprehensive Plan Update into effect:

Castle Rock Township
Douglas Township
Greenvale Township
Hampton Township
Marshan Township
Nininger Township
Randolph Township
Ravenna Township
Waterford Township

2. Advise the Rural Collaborative of the advisory comments for water resource management and forecasts.

Summary of Committee Discussion / Questions:

Senior Planner Patrick Boylan presented a collaborative plan of 9 rural townships in Dakota County. The committee had no questions and unanimously recommended approval to the Metropolitan Council.

C Community Development Committee

Meeting date: June 15, 2009

ADVISORY INFORMATION

Subject: Dakota County Rural Collaborative 2030 Comprehensive Plan Update
Review File No. 20462-1

District(s), Member(s): District 16, Councilmember Wendy Wulff

Policy/Legal Reference: Minnesota Statute 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 & 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:

1. Authorize the following townships of the Rural Collaborative to put their Comprehensive Plan Update into effect:

Castle Rock Township
Douglas Township
Greenvale Township
Hampton Township
Marshan Township
Nininger Township
Randolph Township
Ravenna Township
Waterford Township

2. Advise the Rural Collaborative of the advisory comments for water resource management and forecasts.

ADVISORY COMMENTS

Dakota County Rural Collaborative 2030 Comprehensive Plan Update

Review File No. 20462-1 - Council Business Item No. 2009-204

The following Advisory Comments are part of the Council action authorizing the townships called the Dakota County Rural Collaborative (Collaborative) to implement their 2030 Comprehensive Plan Updates.

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 Dakota County Rural Collaborative (Collaborative) is located in central, south, and southeast Dakota County (see Figure 1). The Collaborative is made up of the following township communities:

Castle Rock Township
Douglas Township
Greenvale Township
Hampton Township
Nininger Township
Marshan Township
Randolph Township
Ravenna Township
Waterford Township

The *2030 Regional Development Framework* (RDF), as adopted by the Metropolitan Council (Council) in January 2004, identified the townships of Castle Rock, Douglas, Greenvale, Marshan, Nininger, Vermillion Township, and Waterford as in the “Agricultural” geographic planning area. The RDF identified the township of Ravenna as “diversified rural,” and Randolph Township as both “diversified rural” and “agricultural.” (Figure 2). The Rural Collaborative submitted the *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

Dakota County is administering a grant for the Rural Collaborative. The Collaborative has received the first half of a \$50,000 planning grant from the Council to prepare the Update.

Known Support / Opposition

There is no known opposition.

REVIEW RECORD

Review of the Dakota County Rural Collaborative 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

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

The Update conforms to the 2030 Regional Parks Policy Plan. The Update acknowledges Lake Byllesby Regional Park, Miesville Ravine Park Reserve, Spring Lake Park Reserve, and Vermillion Highlands Regional Park as well as the Mississippi River Regional Trail and the Cannon River Regional Trail.

The Parks Policy Plan also included a number of regional trail search corridors, including the Chub Creek Greenway Regional Trail, Vermillion River Greenway Regional Trail, and the Vermillion Highlands Greenway Regional Trail, which have been acknowledged in the Update.

Transportation

Roads and Transit

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

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

Metropolitan highways located in the Collaborative area are TH 3, TH 52, TH 55, and TH 316. The need to expand CSAH 48 to a 4-lane highway west of Hastings to CSAH 47 was identified. Intersections of CSAH 66/TH 52 and CSAH/TH 52 identified as deficient; the proposed interchanges do not have funding. The plan recognizes that the Metropolitan Council has identified 2030 “unconstrained needs” to upgrade TH 3, TH 55, and TH 316 in the Collaborative area to 4-lane roadways.

The Collaborative 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 conforms with the 2030 Water Resources Management Policy Plan. The Communities included in the Collaborative are entirely provided wastewater service through the use of private wastewater systems (ISTS). The Update indicates continued wastewater services will be provided through the use of ISTS through 2030.

The Update does not propose nor anticipates requesting connection to the Regional Wastewater Disposal system within the 20-year planning period. Therefore the Communities included in the Collaborative are 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 any of the Communities included in the Collaborative within the 2030 planning period.

Surface Water Management

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

Nininger, Marshan, and Ravenna townships are within the Vermillion River Watershed. Greenvale, Waterford and Randolph townships are within the North Cannon River Watershed. Castle Rock, Hampton, and Douglas townships are within both watersheds.

The Vermillion River Joint Powers Board’s watershed management plan was approved by the Board of Water and Soil Resources (BWSR) in 2005 and the North Cannon River Watershed Management Organization’s watershed management plan was approved in 2003.

In 2008, the Collaborative prepared a Local Water Management Plan (LWMP) for twelve communities within the Vermillion River Watershed. Eleven communities have adopted the Collaborative LWMP as their LWMP. The Collaborative LWMP was reviewed under separate cover. The LWMP was found to be consistent with Council policy and the Council’s WRMPP.

The communities within the Vermillion River and North Cannon River watersheds (Castle Rock Township, Douglas Township, and Hampton Township) have also adopted the North Cannon River Watershed’s watershed management plan by reference along with the additional information included in the Collaborative plan. This meets the Council’s expectations for local surface water management plans.

The Update also states that the communities in the Collaborative that are solely within the North Cannon River Watershed Management Organization (Greenvale Township, Miesville, Randolph Township, and Waterford Township) have adopted the North Cannon River Watershed’s watershed management plan by reference. In addition to adopting the watershed plan by reference, the Collaborative plan includes additional information as required by the Council’s WRMPP that adequately meets the Council’s requirements for local surface water management plans.

CONSISTENCY WITH COUNCIL POLICY

Forecasts

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

The majority of the forecasts within the Update are consistent with Metropolitan Council policy for the Collaborative communities. Waterford’s employment forecasts are inconsistent with Council forecasts. Council received correspondence that indicates this is a typographical error and will be corrected for the final text submittal.

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 the Collaborative communities of Castle Rock, Douglas, Greenvale, Marshan, Nininger, Vermillion Township, and Waterford as in the “Agricultural” geographic planning area, which directs communities to plan for densities no greater than one housing unit per 40 acres. Typically, these communities include a very small amount of clustered housing with agricultural uses. The Update acknowledges the Council’s designations, and includes land use goals and policies that are consistent with Council policies

The RDF identified Ravenna Township 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 designation for Ravenna, and includes land use goals and policies that are consistent with Council policies.

The Update notes that Randolph Township is both “diversified rural” and “agricultural.” The land use goals and policies for Randolph Township are consistent with Council policies.

The land use goals are to preserve agriculture as a primary land use and economic opportunity in the area; minimize the conversion or disruption of agricultural land uses by limiting non-farm uses in long-term agricultural areas and to minimize the impact on long-term agricultural areas by maintaining low density residential development.

Currently, 79.7% of the Collaborative land area is in agriculture. 8.7 % of the land is in residential use, 1.6% in parks and open space and just 7% in commercial use. Collaborative communities restrict residential development to one unit per 40 acre density in the agricultural area.

**Table 4
Existing Land Use**

Land Use Category	Total Acres		Total Acres	
	Gross	Percentage	Net	Percentage
Agriculture/Vacant	171,725.78	79.7%	147,792.49	68.6%
Single Family Residential	18,775.68	8.7%	17,076.35	7.9%
Multiple Family Residential	36.48	0.0%	34.52	0.0%
Commercial (inc. mixed commercial/industrial)	2,223.43	1.0%	2,010.28	0.9%
Industrial	2,160.84	1.0%	1,890.64	0.9%
Park	3,443.95	1.6%	2,467.63	1.1%
Public/Institutional/Utility	5,847.89	2.7%	2,728.37	1.3%
UMORE (Empire Township)	4,528.48	2.1%	3,985.63	1.8%
ROW (inc. railroads)	2,394.84	1.1%	2,358.62	1.1%
Water	4,354.06	2.0%	4,354.06	2.0%
Wetland/Floodplain			30,792.84	14.2%
Total	215,491.43	100.0%	215,491.43	100.0%

Table 8
2030 Land Use Acreages

Land Use Category	Total Acres		Total Acres	
	Gross	Percentage	Net	Percentage
Agriculture/Vacant	177,544.5	82.2%	154,071.2	71.4%
Rural Residential	11,046.4	5.2%	10,766.0	5.1%
Low Density/Single Family Residential	1,525.2	0.7%	1,217.2	0.6%
Medium Density/Multiple Residential	1.1	0.0%	1.1	0.0%
Commercial (inc. mixed commercial/industrial)	245.4	0.1%	235.2	0.1%
Industrial (includes mining)	755.5	0.4%	755.1	0.4%
Public Park, Recreation and Open Space	3,516.9	1.6%	2,488.1	1.2%
Public/Institutional (includes utilities)	2,244.0	1.0%	1,721.8	0.8%
UMORE	1,695.2	0.8%	1,580.4	0.7%
Conservancy (includes WMA in Ravenna Twp.)	4,744.3	2.2%	4,670.1	2.2%
Empire Twp. Wildlife Management Area (WMA)	4,031.5	1.9%	2,798.1	1.3%
OAA	1,382.1	0.6%	911.9	0.4%
ROW (inc. railroads)	2,395.2	1.1%	2,345.4	1.1%
Water	4,354.1	2.0%	4,354.1	2.0%
Wetland/Floodplain			27,565.7	12.8%
Total	215,491.4	100.0%	215,491.4	100.0%

Agricultural Preserves

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

Rural Collaborative communities have parcels enrolled in the Agricultural Preserves Program under the Metropolitan Agricultural Preserves Act. The 2030 Future Land Use and Zoning Map identifies these parcels and restricts the parcels to one dwelling unit per 40 acres.

Housing

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

The Update indicates that none of the townships within the Rural Collaborative planning area have affordable housing needs numbers to address. The Update provides goals and strategies to address affordable and life-cycle housing needs within the planning area, and identifies resources the communities can access for assistance in meeting those needs. These resources are available primarily through 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.

Community and Individual Sewage Treatment Systems (ISTS)

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

The Update is consistent with Council policies for ISTS. The Update indicates there are approximately 5,000 ISTS in operation within the Collaborative area. The Collaborative communities have adopted Dakota County ISTS Ordinance #113, which is consistent with MPCA Rules and Council policies. Dakota County maintains authority for permitting and inspections within shoreland and floodplain areas, and provides maintenance management recordkeeping and ISTS owner notification for the Collaborative communities.

Collaborative communities are each 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 local Building Officials for enforcement. If the Building Official cannot remedy violations and corrections through normal enforcement procedures, the matter is turned over to the Township/City Attorney for prosecution

Water Supply

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

Collaborative communities do not have water supply systems so they do not need water supply plans.

Resource Protection

Historic Preservation

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

The Update includes historic preservation information and meets MLPA requirements. The Update includes a detailed history of the community and its pioneering residents. The Grant Heritage Preservation Committee has identified a number of structures worthy of preservation, including the historic town hall. The Update states that the Collaborative communities will work with the Dakota County Historical Society, the State Historic Preservation Office, the Preservation Alliance of Minnesota, and the National Park Service in efforts to preserve cultural heritage.

Solar Access Protection

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

The Update addresses solar access protection and therefore meets MLPA requirements. The Update indicates that protection of the solar resource is assured with a policy to protect solar access through adequate zoning standards

Aggregate Resources Protection

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

The Update is consistent with requirements for aggregate resource protection. The Update identifies, consistent with *Minnesota Geological Survey Information Circular 46* information, the presence of significant viable aggregate resources within he Collaborative area. Figure 3 (on p. 16) identifies the extent and location of the resources within the Collaborative area. There are numerous existing and planned mining operations within the Collaborative area. The Update contains an Environmental Resources goal calling for the protection of high quality aggregate resources for future use. With exception of existing development areas and planned growth areas, the majority of the resource reserves are protected for mining development interests.

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 includes a Capital Improvement Program (CIP) for roadway maintenance and improvements and civic renovations. The Update has a policy of working with Dakota County Transportation for changes to County roads within the Collaborative area. The Update also contains a description of the possible future changes to the zoning ordinance and subdivision ordinance. 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 consultant for the Collaborative submitted the *Dakota County Rural Collaborative* to adjacent local units of government, school districts, counties and special districts for comment in July 2008. The City received responses from Dakota County, Vermillion River Watershed District, the City of Lakeville, and the City of Farmington. 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
- Letter to LPA Manager, Phyllis Hanson, from consulting 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. 2030 Regional Framework Planning Areas, Dakota County Collaborative

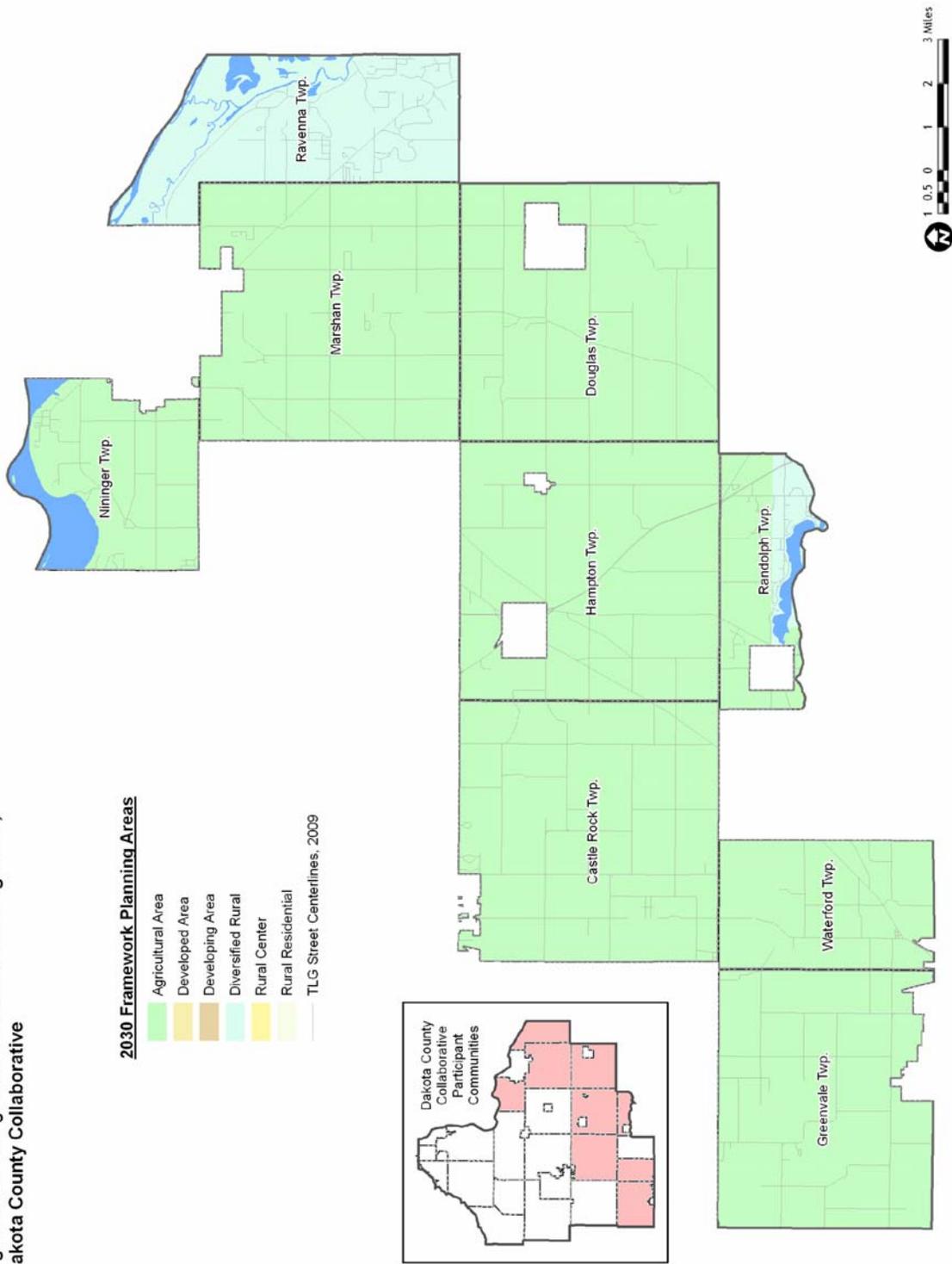


Figure 2. Regional Systems, Dakota County Collaborative

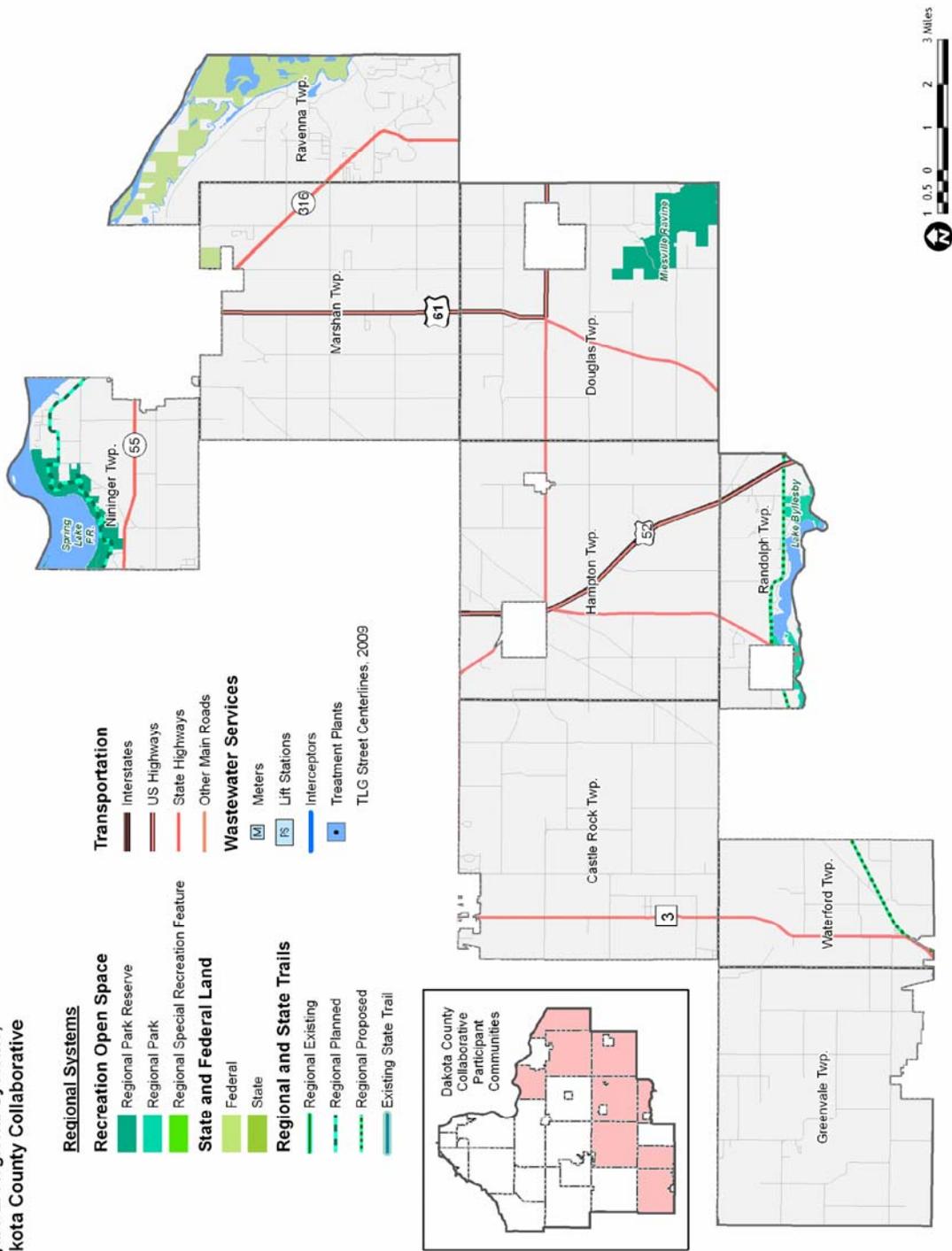


FIGURE 3: EXISTING LAND USE

2007 Existing Land Use

Land Use Category

- Agriculture/Vacant
- Single Family Residential
- Multiple Family Residential
- Industrial (includes mining)
- Commercial (includes golf)
- Public/Institutional
- Public Park, Recreation and Open Space
- UNKNOWN (Univ. of MN)

- Watershed Boundary
- Lakes
- MNRPA Boundary
- WMA Area
- Streams

Note: See individual community maps for additional detail.

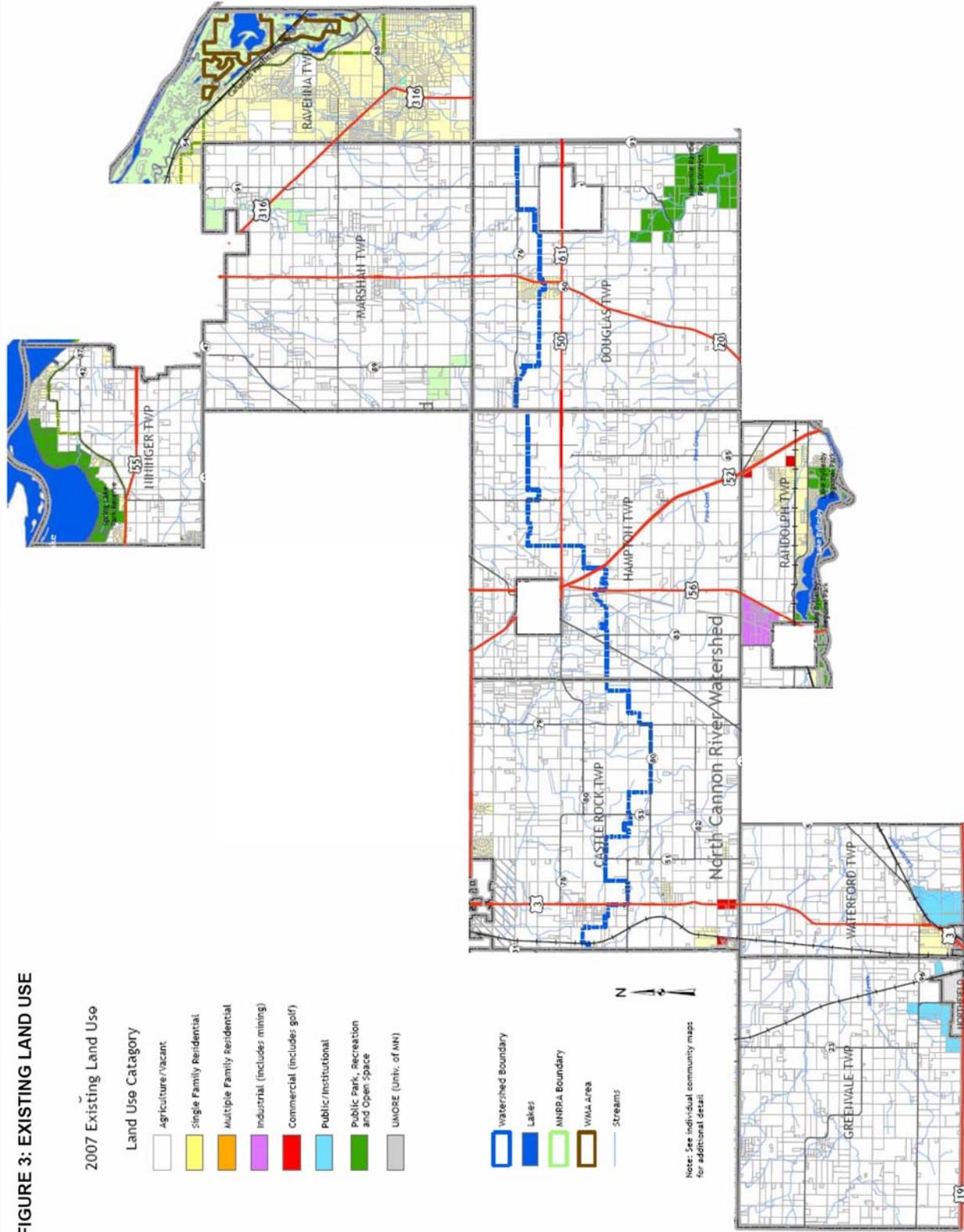


FIGURE 4: FUTURE LAND USE

