

Community Development Committee

Meeting date: February 5, 2018

For the Metropolitan Council meeting of February 14, 2018

Subject: Baytown Township 2040 Comprehensive Plan, Review File 21746-1

District(s), Member(s): District 12, Harry Melander

Policy/Legal Reference: Metropolitan Land Planning Act (Minn. Stat. § 473.175)

Staff Prepared/Presented: Corrin Hoegen Wendell, AICP, Senior Planner (651-602-1832)
LisaBeth Barajas, Local Planning Assistance Manager (651-602-1895)

Division/Department: Community Development / Regional Planning

Proposed Action

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

Recommendations of the Community Development Committee

1. Authorize Baytown Township to place its 2040 Comprehensive Plan into effect.
2. Revise the community designation for the central portion of Baytown Township, as shown in Figure 2, from Diversified Rural to Rural Residential.
3. Advise the Township to implement the advisory comments in the Review Record for Parks, Transportation, Surface Water Management, and Housing.

Advisory Comments

The following Advisory Comments are part of the Council action authorizing Baytown Township (Township) to implement its 2040 Comprehensive Plan (Plan).

Community Development Committee

1. As stated in the *Local Planning Handbook*, the Township must take the following steps:
 - a. Adopt the Plan in final form after considering the Council's review recommendations as contained in the body of this report.
 - b. Submit one hard copy and one electronic copy of the Plan to the Council. The electronic copy must be submitted as one unified file.
 - c. Submit to the Council a copy of the Town Board resolution evidencing final adoption of the Plan.
2. The *Local Planning 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 to the Plan, local governments should incorporate those recommended changes into the Plan or respond to the Council before "final adoption" of the comprehensive plan by the governing body of the local governmental unit. (Minn. Stat. § 473.858, subd. 3)
3. Local governments must adopt official controls as identified in their 2040 comprehensive plans 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 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 9 months following amendments to comprehensive plans (Minn. Stat. § 473.865, subd. 3).

Background

The Township is located in eastern Washington County on the shore of the St. Croix River. The Township is bounded by the City of Oak Park Heights to the north, the City of Bayport and the St. Croix River to the east, West Lakeland Township to the south, and the City of Lake Elmo to the west. *Thrive MSP 2040* (Thrive) designated the Township as both Rural Residential and as Diversified Rural (Figure 2).

The Township submitted its 2040 Comprehensive Plan (Plan) to the Council for review to meet the Metropolitan Land Planning Act requirements (Minn. Stat. §§ 473.851 to 473.871) and in response to the Council's 2015 System Statement requirements.

Review Authority & Rationale

Minn. Stat. § 473.175 directs the Metropolitan Council to review a local government's comprehensive plan and provide a written statement to the local government regarding the Plan's:

- **Conformance** with metropolitan system plans
- **Consistency** with the adopted plans and policies of the Council
- **Compatibility** with the plans of adjacent governmental units and plans of affected special districts and school districts

By resolution, the Council may require a local government to modify its comprehensive plan if the Council determines 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).

The attached Review Record details the Council's assessment of the Plan's conformance, consistency, and compatibility, and is summarized below.

Review Standard	Review Area	Plan Status
Conformance	Regional system plan for Parks	Conforms
Conformance	Regional system plan for Transportation, including Aviation	Conforms
Conformance	Water Resources (Wastewater Services and Surface Water Management)	Conforms
Consistency with Council Policy	<i>Thrive MSP 2040</i> and Land Use	Consistent, with proposed amendments to Community Designation
Consistency with Council Policy	Forecasts	Consistent
Consistency with Council Policy	<i>2040 Housing Policy Plan</i>	Consistent
Consistency with Council Policy	Water Supply	Consistent
Consistency with Council Policy	Community and Subsurface Sewage Treatment Systems (SSTS)	Consistent
Compatibility	Compatible with the plans of adjacent and affected governmental districts	Compatible

Thrive Lens Analysis

The proposed 2040 comprehensive plan is reviewed against the land use policies in *Thrive MSP 2040*. To achieve the outcomes identified in Thrive, the metropolitan development guide defines the Land Use Policy for the region and includes strategies for local governments and the Council to implement. These policies and strategies are interrelated and, taken together, serve to achieve the outcomes identified in Thrive.

Funding

None.

Known Support / Opposition

There is no known local opposition to the 2040 comprehensive plan.

REVIEW RECORD

Baytown Township 2040 Comprehensive Plan

Review File No. 21746-1, Business Item No. 2018-31

The following Review Record documents how the proposed Plan meets the requirements of the Metropolitan Land Planning Act and conforms to regional system plans, is consistent with regional policies, and is compatible with the plans of adjacent and affected jurisdictions.

Review Findings

Conformance with Regional Systems

The Council reviews plans to determine conformance with metropolitan system plans. The Council has reviewed the City's Plan and finds that it conforms to the Council's regional system plans for Regional Parks, Transportation (including Aviation), and Water Resources.

Regional Parks and Trails

Reviewer: Jan Youngquist, AICP, Community Development – Regional Parks (651-602-1029)

The Plan conforms to the *2040 Regional Parks Policy Plan (RPPP)*. The regional parks system units within Baytown Township as identified in the RPPP include the Middle St. Croix Valley Regional Trail Search Corridor and the Central Greenway Regional Trail Search Corridor. Washington County will lead a planning process in the future to identify the alignments of these trails.

Although not part of the Regional Parks System, state recreational facilities complement the regional parks system and are afforded protection through the RPPP. The state facilities in Baytown Township include the Bayport Wildlife Management Area (WMA) and the St. Croix Savanna Scientific and Natural Area (SNA), which are owned and operated by the Minnesota Department of Natural Resources. The Plan acknowledges and plans for the Middle St. Croix Valley and Central Greenway Regional Trail Search Corridors, the Bayport WMA, and the St. Croix Savanna SNA.

Advisory Comment

The description of the future land use categories in Chapter 3 of the Plan indicates that the Bayport WMA and the St. Croix Savanna SNA are included in the "Public" land use category. The 2040 Land Use Plan Map (Exhibit 9) shows the Bayport WMA guided with a future land use of "Public"; however, the St. Croix Savanna SNA is guided with a future land use of "Agriculture." Council staff recommends that the Township reflect these changes in its 2040 Land Use Plan Map prior to the final adoption of the Plan.

Regional Transportation, Transit, and Aviation

Reviewer: Russ Owen, Metropolitan Transportation Services – Systems Planning (651-602-1724)

The Plan conforms to the *2040 Transportation Policy Plan (TPP)* adopted in 2015. It accurately incorporates and integrates transportation system components of the TPP. The Plan is also consistent with Council policies regarding community roles, the needs of non-automobile transportation, access to job concentrations, and the needs of freight. The Plan is compatible with the plans of adjacent and affected governmental units including Washington County and the Lake Elmo Airport.

Roadways

Reviewer: Heidi Schallberg, Metropolitan Transportation Services – Systems Planning (651-602-1721)

The Plan conforms to the Roadways system element of the *2040 Transportation Policy Plan (TPP)*. The Township does not have any principal arterials within its boundaries. The Plan also incorporates or refers to guidelines on how access will be managed for principal and A-minor arterials.

Advisory Comments

The Township's Plan accurately accounts for the regional system of A-minor arterials and has delineated major and minor collectors. However, the number of lanes, both existing and future, is not identified for the A-minor arterials. The functional classification map should also include the local streets.

Forecasted traffic volumes are described, but should also be mapped. The Township is using Washington County's comprehensive plan for the Township's forecasts. Because the County's plan has not yet been updated for 2040, the 2030 forecasts are included in this Plan. Once the 2040 forecasts are available, the Township's plan should be updated.

The functional classification map shows Highway 5, which has been turned back to Washington County; this roadway should be shown as County Road 15.

Transit

Reviewer: Stephen Baisden, Metro Transit – Service Development (612-349-7361)

The Plan conforms to the Transit system element of the TPP. The Plan is consistent with the policies of the Transit system element of the TPP. The Township is within Transit Market Area V.

Advisory Comments

Transit Market Areas reflect potential demand based on existing conditions. The Plan should address the relationship of transit-supportive planned land use and potential transit opportunities, even if none exist. The existing transit route within the community is described, but should also be mapped. It would also be useful to show the transit route in relationship to existing or planned land use. The Township is covered by Transit Link dial-a-ride service, and this should be acknowledged in the Plan, which only mentions that dial-a-ride service may be appropriate.

Aviation

Reviewer: Russ Owen, Metropolitan Transportation Services – Systems Planning (651-602-1724)

The Plan conforms to Aviation system element of the *2040 Transportation Policy Plan (TPP)*. The Plan includes policies that protect regional airspace from obstructions, addresses seaplane use, and describes how off-site air navigation aids will be protected.

The Plan identifies the Lake Elmo Airport, located in the western portion of the Township, and addresses elements of its long-term comprehensive plan. The Plan addresses issues including land use compatibility, noise sensitivity, and the protection of airspace from obstructions. The Plan incorporates planning principles from the Lake Elmo Airport 2035 Long Term Comprehensive Plan that was adopted by the Metropolitan Airports Commission in 2016.

Advisory Comments

The Council encourages the Township to adopt an airport zoning ordinance and to participate in a Joint Airport Zoning Board (JAZB) when commenced by the Metropolitan Airports Commission.

Bicycling and Walking

Reviewer: Russ Owen, Metropolitan Transportation Services – Systems Planning (651-602-1724)

The Plan conforms to the Bicycling and Pedestrian policies of the *2040 Transportation Policy Plan* (TPP). The Plan identifies existing and planned segments of the Regional Bicycle Transportation Network (RBTN). The Plan is also consistent with Bicycle and Pedestrian policies of the TPP by planning for local pedestrian and bicycle connections to transit, regional trails, regional job concentrations, and other destinations.

Advisory Comments

Existing local trails are mentioned in the narrative but should also be mapped. The local facilities should be mapped and show the relationship between local trails and the Regional Bicycle Transportation Network.

Freight

Reviewer: Russ Owen, Metropolitan Transportation Services – Systems Planning (651-602-1724)

The Plan is consistent with Freight policies of the *2040 Transportation Policy Plan* (TPP). The Plan identifies the needs of freight movement in and through the community including accessibility to freight terminals and facilities. These specific needs include two railroad lines owned by Union Pacific that travel through the Township.

Transportation Analysis Zones (TAZs)

Reviewer: Russ Owen, Metropolitan Transportation Services – Systems Planning (651-602-1724)

The Plan conforms to the *2040 Transportation Policy Plan* (TPP) regarding TAZ allocations. The City's TAZ allocations for employment, households and population are consistent with the Council's community forecast totals for all forecast years.

Water Resources

Wastewater Service

Reviewer: Kyle Colvin, Manager, Environmental Services - Engineering Services (651-602-1151)

The Plan conforms to the *2040 Water Resources Policy Plan* (WRPP). The Plan represents the Township's guide for future growth and development through the year 2040. The Township is entirely provided wastewater service through the use of individual private subsurface sewage treatment systems (SSTS). The only exception is a K-12 school, located in the eastern part of the Township, which is provided service by the City of Bayport through a joint powers agreement, signed and executed in March 2008. The Plan indicates continued wastewater services will be primarily provided through the use of SSTS through 2040.

The Plan does not propose or anticipate requesting connection to the Regional Wastewater Disposal System within the 20-year planning period; therefore, the Township is not required to submit for approval of a Tier II Comprehensive Sanitary Sewer Plan.

The *2030 Water Resources Management Policy Plan* and the associated System Plan identified a potential long term regional wastewater service area within the Township that was envisioned to be served via the St. Croix Valley Wastewater Treatment Facility. However, the *2040 Water Resources Policy Plan*, recognizes that current regulatory trends will likely result in more stringent future discharge permit limits and that additional facilities to meet these limits are likely to fully utilize the remaining land areas of the facility site. Therefore, no plant capacity expansions are planned. In consideration of this fact, the Council is not objecting to the Township's request to remove the Long-Term Wastewater Service Area within the Township.

The Metropolitan Council does not have plans to provide wastewater services to the community within the 2040 planning period, nor is the Township within the Long-Term Wastewater Service Area.

Surface Water Management

Reviewer: Joe Mulcahy, Environmental Services – Water Resources (651-602-1104)

The Plan is consistent with Council policy requirements and in conformance with the Council's 2040 Water Resources Policy Plan (WRPP) for surface water management. The Plan satisfies the requirements for 2040 comprehensive plans. The Township lies within the boundaries of the Middle Saint Croix Watershed Management Organization and the Valley Branch Watershed District. Both watershed organizations updated their watershed management plans in 2015, and the Township updated its local surface water management plan (LSWMP) in 2017.

Advisory Comment

The Township will need to provide the Council with the dates that the watershed organizations approve the LSWMP and the date the Township adopts the final LSWMP. The Township also needs to send the Council a copy of the final adopted LSWMP if it differs from the one submitted in October 2017.

Consistency with Council Policies

The Council reviews plans to evaluate their apparent consistency with the adopted plans of the Council. Council staff have reviewed the Township's Plan and find that it is consistent with the Council's policies, as detailed below.

Forecasts

Reviewer: Dennis Farmer, AICP, Community Development - Regional Policy and Research (651-602-1552)

The Plan's forecast-related content is consistent with regional policy and Council forecasts. The forecasts used throughout the Plan are consistent with the Township's System Statement as shown in Table 1 below.

Table 1. 2040 Regional Development Framework Forecasts

	Census	Council Forecasts		
	2010	2020	2030	2040
Population	1,617	1,790	1,790	1,800
Households	573	670	720	760
Employment	69	160	210	260

Because the Township is a rural community, the Council forecasts limited growth within the Township over the coming decades. The Plan is reflective of this forecast.

Thrive MSP 2040 and Land Use

Reviewer: Corrin Hoegen Wendell, AICP, Community Development - Local Planning Assistance (651-602-1832)

The Plan is consistent with *Thrive MSP 2040* and its land use policies. Thrive designates the Township as both Rural Residential and Diversified Rural (Figure 2). The Plan proposes that the entire Township be classified as Rural Residential for the 2040 Comprehensive Plan Update process, and the Township has developed its Plan to be consistent with the policies for the Rural Residential community designation.

The community designations in Thrive carried forward the delineations for the rural designations from the 2030 planning process. Subsequently, the Council determined that only one more minor expansion of the plant is feasible, as described in the Wastewater section of this report (page 3).

The Plan is consistent with Thrive policies for Rural Residential communities. Rural Residential communities have residential patterns characterized by large lots and do not have plans to provide urban infrastructure, such as centralized wastewater treatment. Thrive discourages future development of rural residential patterns (un-sewered lots of 2.5 acres or less) and where opportunities exist, directs communities to plan for rural development at densities that are not greater than 1 unit per 10 acres. Thrive directs communities to implement conservation subdivision ordinances, cluster development ordinances, and environmental protection provisions in local land use ordinances, consistent with the Council's flexible residential development guidelines. Thrive also encourages local communities to promote best management practices for stormwater management, habitat restoration, and natural resource conservation in development plans and projects.

The Plan is also consistent with Thrive land use policies for natural resources protection, water sustainability, housing, transportation, economic competitiveness, and resilience.

Future Land Use

The Plan incorporates consistent land guiding and policy descriptions of guiding land uses to accommodate forecasted growth and consistent with Thrive policies for Rural Residential communities. The Plan appropriately guides lands enrolled in the Agricultural Preserves program as Agriculture and the Plan contains consistent policies to support on-going agricultural uses. The Township's 2040 land use plan includes a variety of land use areas with required minimum residential densities of 1 unit per 40 acres, 1 unit per 10 acres, 1 unit per 5 acres, and 1 unit per 2.5 acres, consistent with regional policies for Rural Residential communities (Figure 3). The Township does not plan to provide municipal waste water services within the Township.

The Plan emphasized that development patterns have typically been large lot single family housing. Most of the Township has been developed already with 2.5-acre and 5-acre lots, including some of the area that was within the 2030 Long-Term Wastewater Service Area and in the area designated "Diversified Rural" in the 2040 System Statement. These lot sizes are typically difficult to plan for future public services (water and sewer) and generally fit more in the characteristics of the Rural Residential designation. The Township proposes to continue to have a minimum lot size of 2.5 acres for new development in its Single-Family Estates District which includes most of the Township. The Township largely has maintained the guided land uses from its 2030 comprehensive plan, as shown in (Figure 4), with the exception of some minor changes.

As described in the Regional Parks section of this report (see page 1), the 2040 Land Use Plan Map guides the Bayport WMA as "Public," and the St. Croix Savanna SNA as "Agriculture." The Map should be revised to appropriately guide these lands as "Park" prior to final adoption of the Plan. The Plan appropriately guides the regional airport as Airport. It also includes policies that ensure that land uses near the airport are compatible in terms of noise and runway/airspace protection.

Flexible Residential Development Guidelines

The Plan is consistent with regional policies for Rural Residential communities including implementation of conservation subdivision ordinances, cluster development ordinances, and environmental protection provisions in their local land use ordinances, consistent with the flexible development guidelines outlined in Thrive. The Township's zoning and subdivision ordinances include options for lot averaging, which would permit flexible residential development, and environmental protection requirements that are consistent with the guidelines.

Housing

Reviewer: Tara Beard, AICP, Community Development – Regional Policy and Research (651-602--1051)

The Plan is consistent with *2040 Housing Policy Plan*. The Township's existing housing is primarily single family, homesteaded, and priced at some of the highest values in Washington County. Approximately 20% of the households in the Township both earn 80% of the Area Median Income (AMI) or less AND pay more than 30% of their household income on housing costs, that is, are housing cost burdened. Currently, the Township permits some accessory dwelling units, allows temporary housing for farm workers, and contains two group homes.

The Plan indicates that the Township will use effective referrals, maintenance and code enforcement, and zoning ordinances that allow flexible housing types to address existing housing needs.

The Township is not planned to support sewer-serviced household growth, and therefore does not need to plan for a share of the region's need for affordable housing in the 2021-2030 decade. However, the Township does anticipate 50 additional households in that decade, and will continue to provide referrals for new residents and options through its zoning ordinance to provide a variety of housing options.

Advisory Comments

The Council has updated data for the Township's existing housing characteristics. The Township is encouraged to include the updated data in the tables currently located on page 41 prior to final adoption of the Plan.

On page 36, the Plan references multi-family as a housing type permitted on approved on-site community septic systems. Additional conversation with the Township indicates that this is a component of the standard Washington County zoning ordinance, but in practice the Township does not support multi-family housing developments. Council staff recommend that the Plan clarify the Township's position to provide clear and transparent direction to potential housing developers.

Water Supply

Reviewer: Lanya Ross, Environmental Services – Water Supply (651-602-1803)

The Plan is consistent with the *2040 Water Resources Policy Plan (WRMPP)* requirements for water supply planning. Residents and businesses are served entirely by private wells. The Plan contains a water supply worksheet and supportive policies to be used for future resource needs.

Community and Subsurface Sewage Treatment Systems (SSTS)

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

The Plan is consistent with the policies of the *2040 Water Resources Policy Plan (WRPP)* for community and subsurface sewage treatment systems. Most Township residents are served by individual (SSTS). The Plan indicates there were four private community wastewater treatment systems and an estimated 566 SSTS in operation in the Township in 2015. Washington County administers the SSTS program within the Township in accordance with Minnesota Rules Chapter 7082. Township Zoning Ordinance compliance requires County approval of SSTS design, installation, operation, and maintenance. Washington County Ordinance 196 is consistent with current Minnesota Pollution Control Agency Rules (Minnesota Rules Chapter 7080-7083) and Council WRPP requirements.

Special Resource Protection

Solar Access Protection

Reviewer: Cameran Bailey, Community Development – Local Planning Assistance (651-602-1212)

The Plan meets the statutory requirements (Minn. Stat. § 473.859, subd. 2) and is consistent with Council policy regarding planning for the protection and development of access to direct sunlight for solar energy systems as required by statute.

The Plan includes the four required planning elements: a Solar Suitability Analysis Map, calculations of the community’s gross solar and rooftop solar resource, policies relating to the development of access to direct sunlight for solar energy systems, and a supporting strategy or strategies for that policy or those policies.

Aggregate Resource Protection

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

The Plan identifies the location of known sand and gravel aggregate resources within the Township, consistent with the Council’s aggregate resources inventory information found in *Minnesota Geological Survey Information Circular 46*. There are two active mining operations in the Township operating under Conditional Use Permits within the Agricultural land use area. Aggregate Resources Goals and Policies presented in the Plan address the need to protect viable aggregate resources and provide for their reasonable economic use, and minimize land use conflicts and undesirable environmental impacts when accommodating their extraction and subsequent redevelopment.

Historic Preservation

Reviewer: Corrin Hoegen Wendell, AICP, Community Development – Local Planning Assistance (651-602-1832)

The Plan appropriately addresses historic preservation in the community. The Plan identifies historic properties with significant architectural value, including a historic cemetery. The Plan also outlines steps that the Township and its residents can take to preserve those resources and includes supporting goals and policies.

Plan Implementation

Reviewer: Corrin Hoegen Wendell, AICP, Community Development – Local Planning Assistance, (651-602-1832)

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

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

The Plan contains an implementation section, which describes the official controls and fiscal devices that the Township will employ to implement the Plan. The Plan contains the Township's existing zoning map and describes policies for making changes to that map. Because the Township does not have any pending or proposed public projects or facilities, the Township does not currently have a capital improvement program. The Implementation Plan describes the community's financial planning policies for maintenance of roadways.

Compatibility with Plans of Adjacent Governmental Units and Plans of Affected Special Districts and School Districts

The proposed plan is compatible with the plans of adjacent jurisdictions. No compatibility issues with plans of adjacent governmental units and plans of affected special districts and school districts were identified.

Documents Submitted for Review

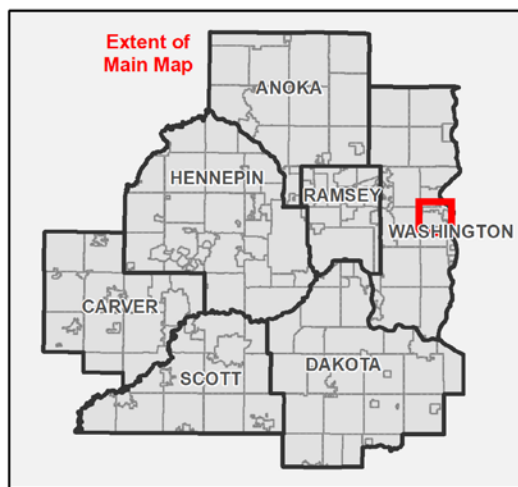
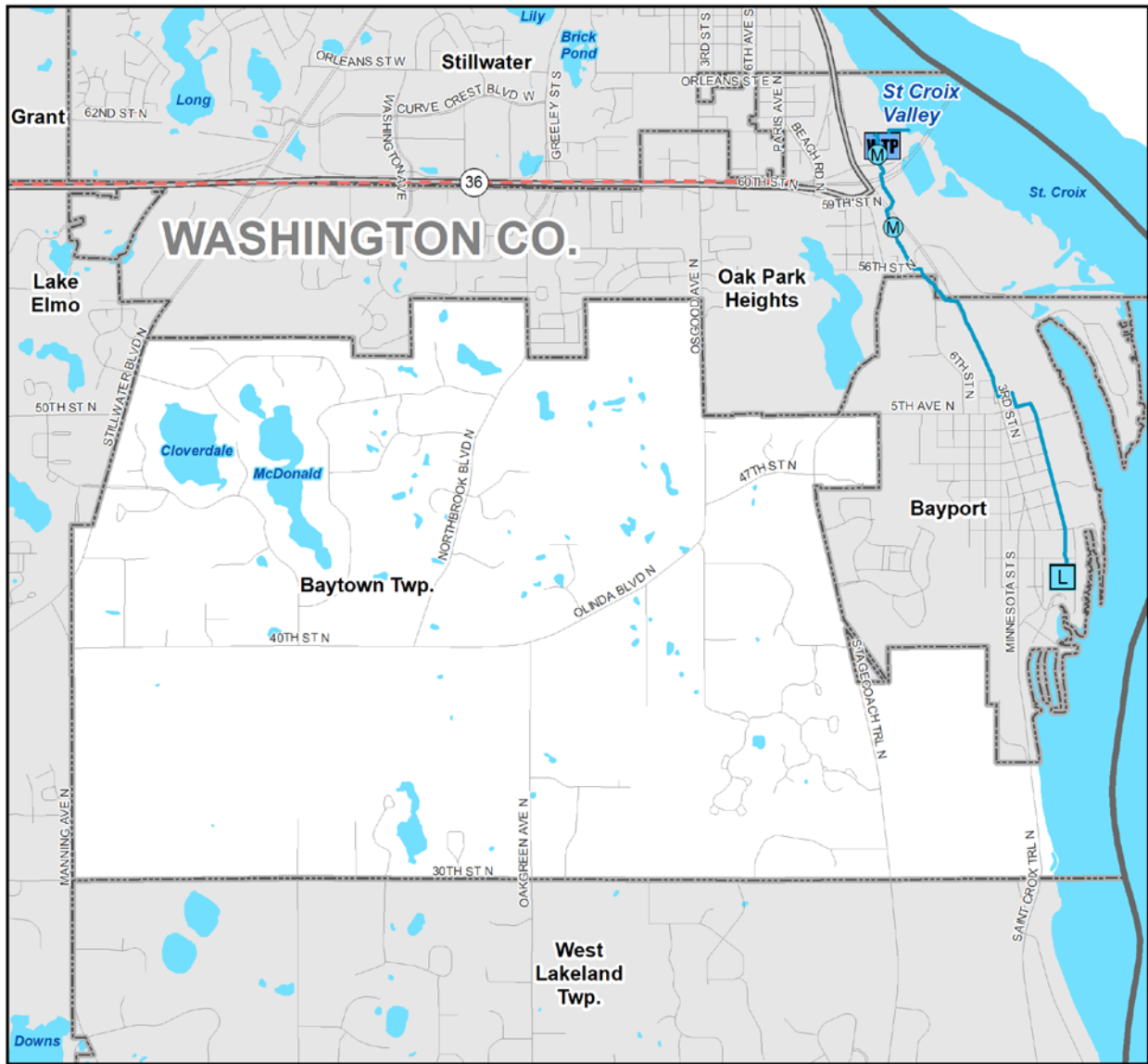
In response to the 2015 System Statement, Baytown Township submitted the following documents for review:

- June 8, 2017: Baytown Township 2040 Preliminary Plan
- October 19, 2017: Baytown Township 2040 Comprehensive Plan for official review
- October 19, 2017: Revisions and coordination with local watershed districts and the Department of Natural Resources

Attachments

- Figure 1: Location Map with Regional Systems
Figure 2: 2040 Thrive MSP 2040 Community Designations
Figure 3: 2040 Planned Land Use
Figure 4: 2030 Planned Land Use

Figure 1: Location Map with Regional Systems



Regional Systems

Regional Highway System

- Interstates
- US Highways
- State Highways
- County Roads

Regional Transitways

- Existing, Fixed Guideway
- Proposed, Fixed Guideway
- Existing, Bus Rapid Transit
- Proposed, Bus Rapid Transit
- Existing Fixed Guideway Stations
- Planned Fixed Guideway Stations

Recreation Open Space

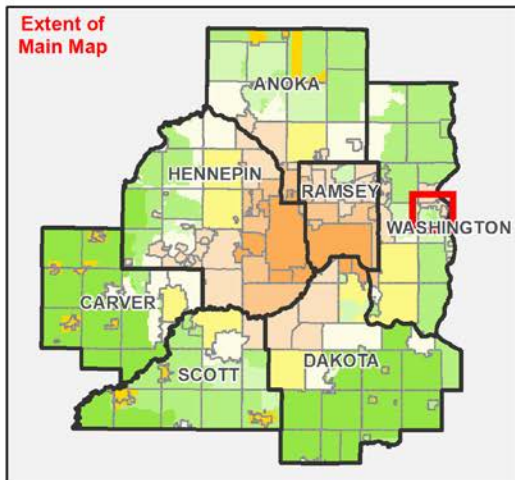
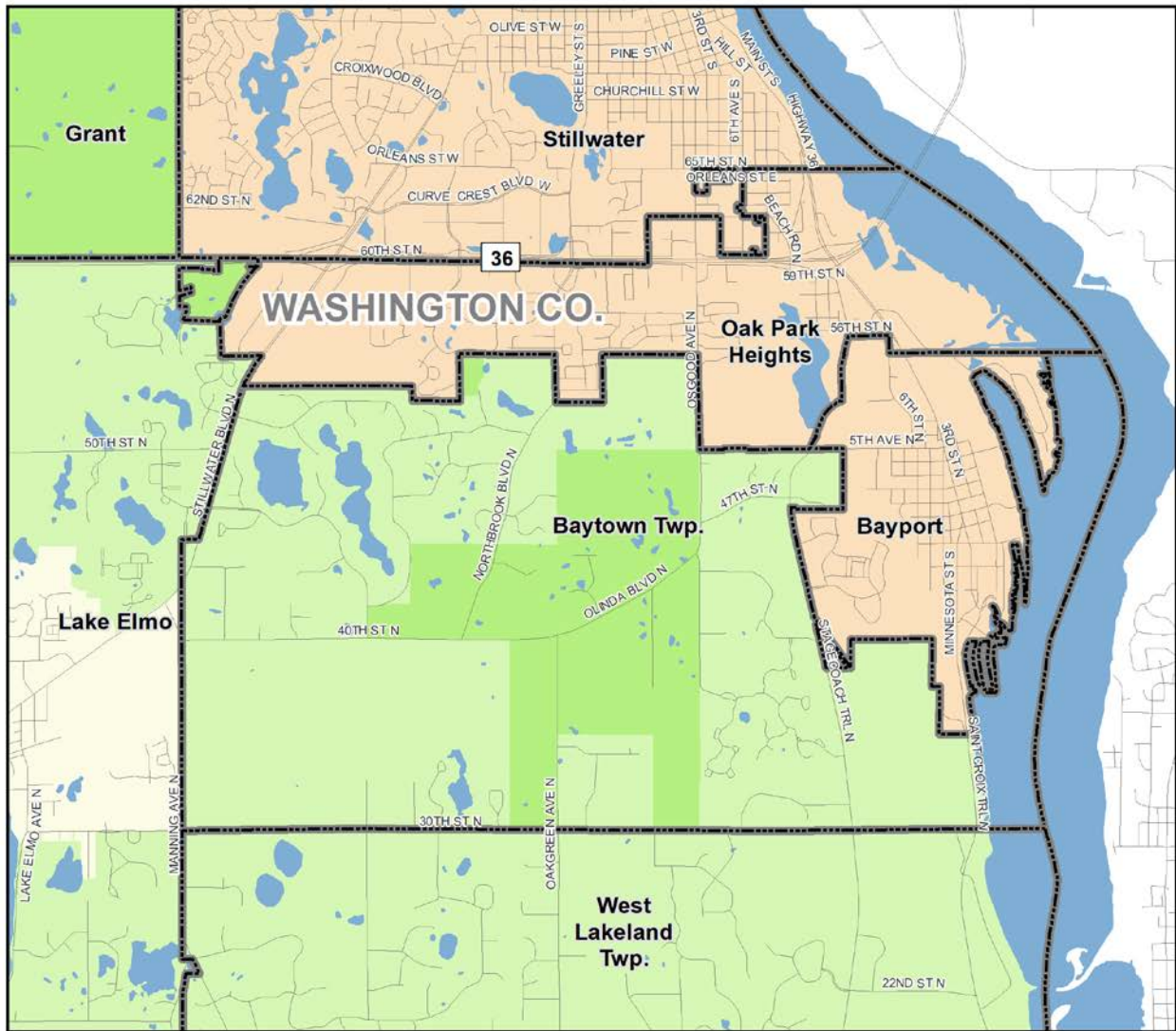
- Existing Regional Parks
- In Master Plan
- Planned Regional Parks
- Existing Regional Trails
- Planned Regional Trails

Wastewater Treatment

- Meters
- Lift Stations
- MCES Interceptors
- MCES Treatment Plants

Ncompass Street Centerlines

Figure 2: Location Map Showing Community Designations



ThriveMSP 2040 Community Designations

- Agricultural
- Rural Residential
- Diversified Rural
- Rural Center
- Emerging Suburban Edge
- Suburban Edge
- Suburban
- Urban
- Urban Center
- Ncompass Street Centerlines

Figure 3: 2040 Planned Land Use

Figure 4: 2030 Planned Land Use