

Community Development Committee

Meeting date: November 4, 2019

For the Metropolitan Council meeting of November 13, 2019

Subject: Denmark Township 2040 Comprehensive Plan, Review File 22240-1

District(s), Member(s): District 12, Francisco J. Gonzalez

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

Staff Prepared/Presented: Jake Reilly, Senior Planner (651-602-1822)
Angela R. Torres, Local Planning Assistance Manager (651-602-1566)

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 Denmark Township to place its 2040 Comprehensive Plan into effect.
2. Advise the Township to implement the advisory comments in the Review Record for Surface Water Management and Forecasts.
3. Within 60 days after receiving final DNR approval, the Township must adopt the MRCCA Plan, and submit a copy of the final adopted plan and evidence of adoption to the DNR, Council, and National Park Service within 10 days after the adoption.

Advisory Comments

The following Advisory Comments are part of the Council action authorizing Denmark 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

Denmark Township is located in the southeastern corner of Washington County. It is surrounded by the communities of Afton, Ravenna Township, Hastings, Nininger Township, Cottage Grove, and Woodbury.

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 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
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

Denmark Township 2040 Comprehensive Plan

Review File No. 22240-1, Business Item No. 2019-311

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.

Conformance with Regional Systems

The Council reviews plans to determine conformance with metropolitan system plans. The Council has reviewed the Township'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: Colin Kelly, Community Development (CD) - Regional Parks (651-602-1361)

The Plan conforms to the 2040 Regional Parks Policy Plan (RPPP) for the Regional Parks System element. Washington County is the Park implementing agency for the Regional Parks System components in Denmark Township, for which the Plan accurately describes the Regional Parks System components. Regional Parks, Park Reserves, or Special Recreation Features located within the Township include St. Croix Bluffs Regional Park. Regional Trails located within the Township include the Point Douglas and St. Croix Valley regional trails, and the Mississippi River and Prairie View regional trail search corridors. The Township also appropriately acknowledges State lands within the community, including the Lost Valley Prairie Scientific and Natural Area (Figure 1).

Regional Transportation, Transit, and Aviation

Reviewer: Russ Owen, Metropolitan Transportation Services (MTS) (651-602-1724)

The Plan conforms to the 2040 Transportation Policy Plan (TPP) adopted in 2015. It accurately reflects transportation system components of the. 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.

Roadways

The Plan conforms to the Highways system element of the TPP. The Plan accurately accounts for the metropolitan highway system of principal arterials, which are U.S Highway 61, including planned additions and improvements identified in the Current Revenue Scenario, and any right-of-way preservation needs.

The Plan accurately reflects the regional functional classification map of A-minor arterials, and has delineated major and minor collectors.

The Plan identifies all the required characteristics of the Township's roadways, including existing and future functional class, right-of-way preservation needs, and existing and forecasted traffic volumes for principal and A-minor arterials. Forecasting is consistent with regional methodology. The Plan also includes guidelines on how access will be managed for principal and A-minor arterials.

The Plan identifies roadway and corridor studies that include recommendations regarding alignments, changes in access, and/or changes in land use.

Transit

The Plan conforms to the Transit system element of the TPP. It shows the location of existing transit routes and facilities and acknowledges the Township is within Transit Market Area V.

The Plan incorporates transitways that are part of the Increased Revenue Scenario in the TPP. The Plan's maps and narrative acknowledge the uncertainty of these transitways. These include the Red Rock Corridor.

The Plan is consistent with the policies of the Transit system element of the TPP. The Plan addresses community roles related to its Community Designation of Diversified Rural, as well as the opportunities and challenges related to its Transit Market Area.

Aviation

The Plan conforms to Aviation system element of the TPP. The Plan includes policies that protect regional airspace from obstructions, and addresses seaplane use.

Bicycling and Walking

The Plan is consistent with the Bicycling and Pedestrian chapter of the TPP. The Plan identifies existing and future segments of, and connections to, the Regional Bicycle Transportation Network (RBTN) and regional trails. The Plan shows the undefined Tier 2 RBTN corridor.

The Plan is also consistent with Bicycle and Pedestrian policies of the TPP by planning for local pedestrian and bicycle connections to regional trails, and other regional destinations as identified on the RBTN map.

Freight

The Plan is consistent with Freight policies of the TPP. The Plan identifies the needs of freight movement in and through the Township, including accessibility to freight terminals and facilities. There are presently no issues related to insufficient height, width, or turning radii along the freight route.

Transportation Analysis Zones (TAZs)

The Plan conforms to the TPP regarding TAZ allocations. The Township's TAZ allocations for employment, households, and population appropriately sum to the Council's community-wide forecast totals for all forecast years.

The Township's planned land uses and areas identified for development and redevelopment can accommodate the TAZ forecasted allocations in the Plan, and at densities consistent with the Township's Thrive designation of Diversified.

Water Resources

Wastewater Service

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

The Plan is in conformance with the 2040 Water Resources Policy Plan (WRPP). It 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 Subsurface Sewage Treatment Systems (SSTS). The only exception is a community wastewater treatment system, located in the Saint Croix Harbor subdivision. The Plan indicates continued wastewater services will be provided either through the use of SSTS or community wastewater treatment systems through 2040.

The Township's Plan does not propose nor anticipates requesting connection to the Regional Wastewater Disposal system within the 20-year planning period; therefore, the Township is not required to submit a Comprehensive Sanitary Sewer Plan for approval.

The Council does not have plans to provide wastewater services to the Township within the 2040 planning period.

Surface Water Management

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

The Plan is consistent with Council policy requirements and in conformance with the Council’s WRPP for local surface water management. The Plan satisfies the requirements for 2040 comprehensive plans. Denmark Township lies within the oversight boundaries of the South Washington Watershed District (Watershed). Denmark Township submitted a draft Local Water Management Plan (LWMP) update to the Council on January 11, 2019. Council Water Resources staff reviewed and commented on the draft LWMP to the Township and Watershed in a letter dated February 5, 2019. The Watershed approved the LWMP on March 12, 2019. The Plan incorporates the Township’s draft LWMP that was reviewed by the Council and Watershed.

Advisory Comments

When available, we request that the Township provide to the Council the date they adopted the final LWMP, and a copy of the final LWMP if it differs from the draft version contained in the Township’s March 31, 2019, Plan submission.

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: Todd Graham, CD – Research (651-602-1322)

The Plan includes the Council forecasts for Denmark Township. For reference, the Council’s forecasts are shown in Table 1 below.

Table 1. Denmark Township Forecasts

	Census	Estimated	Council Forecasts		
	2010	2017	2020	2030	2040
Population	1,737	1,782	1,920	2,160	2,410
Households	615	648	720	860	1,000
Employment	629	548	640	640	650

There is no sewer-service provided in the Township. All population and employment use private septic systems.

The Land Use section of the Plan describes planned land use. This land supply provides more than enough land to accommodate the growth forecast, mostly in areas guided rural residential and single-family estate.

Advisory Comments

The Land Use section of the Plan states: “The goals for the Rural Commercial/Industrial are to increase local employment opportunities, increase the goods and services available locally to Township residents, and to create a more diverse tax base.” Council staff advise that the forecasts only anticipates 650 jobs in the Township in 2040. Without urban services, there is minimal potential for any substantial increase.

Thrive MSP 2040 and Land Use

Reviewer: Jake Reilly, CD – Local Planning Assistance (651-602-1822)

The Plan is consistent with *Thrive MSP 2040* (Thrive) and its land use and residential density policies. Thrive designates the Township as Diversified Rural (Figure 2). Council policies describe Diversified Rural communities as "places with a variety of farm and nonfarm land uses including very large-lot residential uses, clustered housing, hobby farms, and agricultural uses." Diversified Rural communities are expected to plan for growth not to exceed forecasts and in patterns that do not exceed 4 units per 40 acres. In addition, Diversified Rural communities are expected to manage land uses to prevent the premature demand for extension of urban services (i.e. municipal sewer and water systems), and so that existing service levels will meet development needs.

The Township's 2040 Plan carries forward guided land uses (Figure 4) from the 2030 comprehensive plan (Figure 3), as well as infrastructure plans, and related goals and policies. The Township is proposing to maintain the existing land uses and zoning, as the community is not forecasted to grow within the 2040 planning horizon. The Plan proposes to maintain the existing guiding of properties, which includes four residential land use categories ranging from one unit per 40 acres to as dense as one unit per 2.5 acres. The Township includes a mix of existing large-lot residential development and other residential areas with densities that start at one (1) unit per 2.5 acres. For areas outside of these existing development patterns, the Plan guides for densities of no more than four units per 40 acres, consistent with Council policy. In the township's Agriculture Preserve areas, the plan calls for densities of one unit per 40 acres.

The Plan identifies an 80-acre area of undeveloped or underdeveloped land in the part of the Township designated as a rural commercial-industrial area and notes that the future alignment of the Red Rock transit line runs near this area, representing development potential of up to 25 new businesses.

Agricultural Preserves

Approximately three-quarters of the Township's acreages are conserved from development, including more than 2,000 acres enrolled in the Agricultural Preserve program (Minn. Stat. § 473H), which is appropriately recognized in the Plan. The guided land use of Agriculture supports continued enrollment in the Program, which requires allowable densities no greater than one unit per 40 acres.

Housing

Reviewer: Hilary Lovelace, CD – Housing (651-602-1555)

The Plan is consistent with the *2040 Housing Policy Plan*. As of 2016, the Township currently has nearly 690 homes, including four multifamily units and nearly 685 single-family homes. Approximately 37 homes are rented. More than 75 housing units are currently affordable to households earning under 80% of Area Median Income (AMI), however, about 80 households earning 80% of AMI or below are paying more than 30% of their income toward housing costs. There are three units affordable to households with income at or below 30% AMI and more than 25 cost burdened households with incomes at or below 30% AMI.

The Plan identifies existing housing needs including maintenance and reinvestment in existing housing stock, and housing that is affordable to households earning below 50% AMI. The Township does not currently have any publicly subsidized housing.

The Township does not have an allocation of affordable housing need in the 2021-2030 decade, as it is not expected to experience any sewer-serviced growth.

The housing implementation plan component of the Plan describes that the Township will consider partnerships with a community land trust, changing zoning regulations, and providing effective referrals to meet their housing needs. The Plan also expresses the Township's intent to continue a strong

partnership with Washington County Community Development Agency to support their residents and meet their identified housing needs.

Water Supply

Reviewer: Brian Davis, ES – Water Supply Planning (651-602-1519)

The Plan is consistent with the WRPP's policies related to water supply, including the policy on sustainable water supplies, the policy on assessing and protecting regional water resources, and the policy on water conservation and reuse.

Because the Township does not own/operate a municipal community public water supply system, a local water supply plan is not required.

Community and Subsurface Sewage Treatment Systems (SSTS)

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

There are approximately 712 individual SSTS and two Community Wastewater Treatment Systems in operation in the Township. One Community Wastewater Treatment System serves approximately four residences in the Saint Croix Harbor subdivision and the other is a private system that serves the Afton Alps recreation area. The Township has adopted Washington County SSTS regulations, and the County manages the permitting, inspection, operation and maintenance management of all systems in the Township. The County's SSTS program and Ordinance 206 are consistent with Minnesota Pollution Control Agency Chapter 7080-7083 Rules and Council WRPP requirements.

Special Resource Protection

Mississippi River Corridor Critical Area (MRCCA)

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

The Plan includes a Mississippi River Corridor Critical Area Plan (MRCCA Plan) component that was reviewed by Minnesota Department of Natural Resources (DNR) staff and found to be substantially consistent with Minnesota Statutes 116G and Minnesota Rules Chapter 6106. Council staff also find the MRCCA Plan component to be consistent with *Thrive MSP 2040* land use policies, and Minnesota Rules Chapter 6106. The DNR's September 19, 2019 conditional approval letter is attached to the Council staff report as Figure 5. Final DNR approval of the MRCCA Plan will be sent to the Township after the Council authorizes local adoption of the Plan.

Advisory Comments

Within 60 days after receiving final DNR approval, the Township must adopt the MRCCA Plan, and submit a copy of the final adopted plan and evidence of adoption to the DNR, Council, and National Park Service within 10 days after the adoption.

Solar Access Protection

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

The Plan is consistent with statutory requirements (Minn. Stat. 473.859) and Council policy regarding planning for the protection and development of access to direct sunlight for solar energy systems as required by the Metropolitan Land Planning Act (MLPA). The Plan includes the required solar planning elements.

Aggregate Resource Protection

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

The Plan indicates, consistent with the Council's aggregate resources inventory included in *Minnesota Geological Survey Information Circular 46*, the presence of substantial aggregate resource deposits within the Township. At present, there are two active gravel mining operations within the Township. The Plan contains Goals and Policies that allow for the continued extraction of aggregate resources prior to nonagricultural development and require site restoration following the completion of mining activities.

Historic Preservation

Reviewer: Jake Reilly, CD – Local Planning Assistance (651-602-1822)

The Plan includes a protection element for historic sites, including listing historic sites in the Township and commits to preserving the rural quality of life and working with other agencies as needed to continue preserving important buildings and sites.

Plan Implementation

Reviewer: Jake Reilly, CD – Local Planning Assistance (651-602-1822)

The Plan includes a description of and schedule for any necessary changes to the capital improvement program, the zoning code, the subdivision code, the SSTS code, and the housing implementation program.

The Plan, with supplemental materials, describes the official controls and fiscal devices that the Township will employ to implement the Plan. Specific implementation strategies are contained in individual chapters of the Plan, with a statement identifying that the Township does not maintain a capital improvements plan.

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

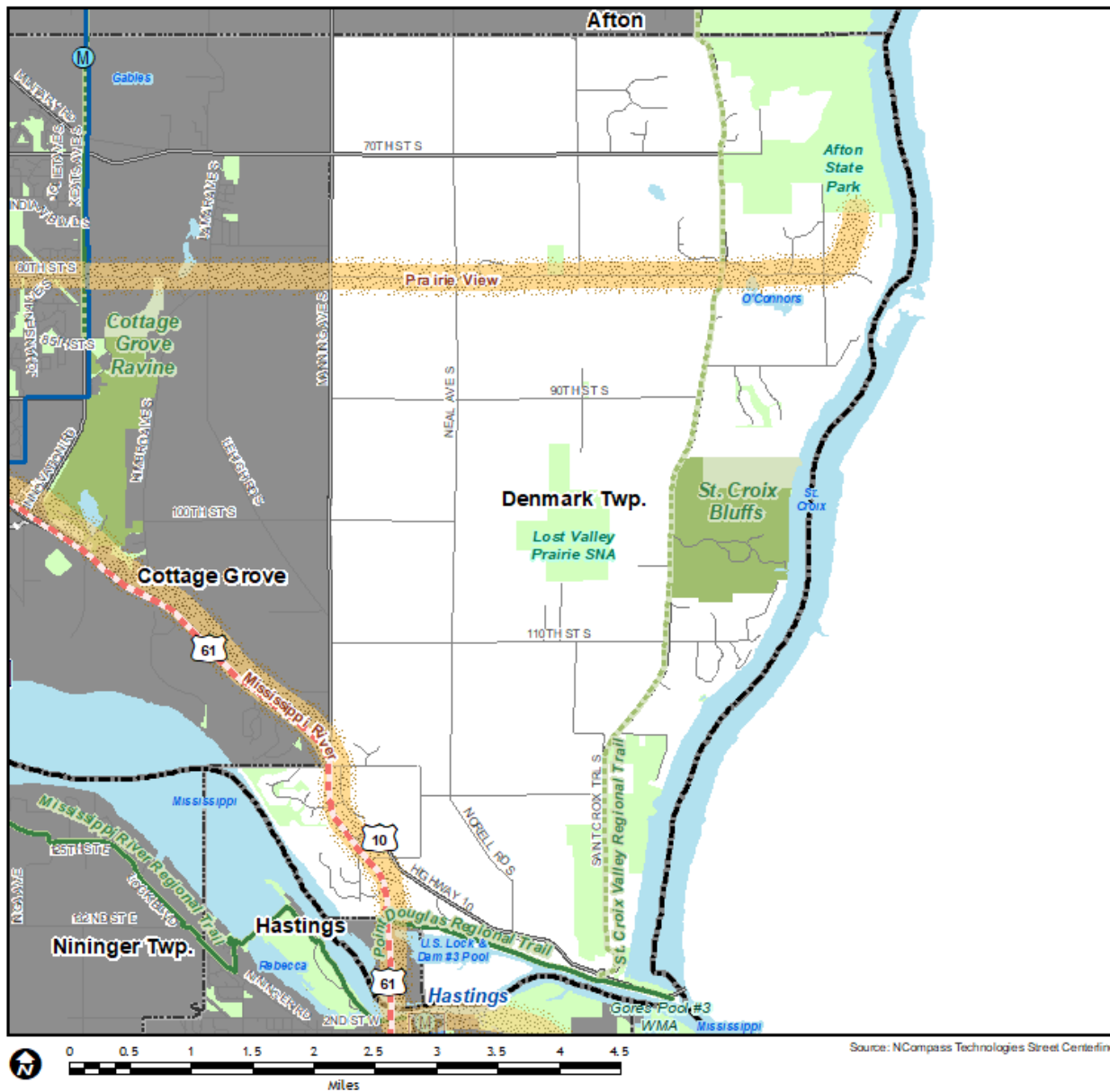
In response to the 2015 System Statement, the Township submitted the following documents for review:

- March 31, 2019: Denmark Township 2040 Comprehensive Plan
- April 22, 2019: Revisions to Mississippi River Corridor Critical Area (MRCCA) Plan
- August 23, 2019: Revisions to 2040 Comprehensive Plan
- September 3, 2019: Revisions to 2040 Comprehensive Plan
- September 20, 2019: Revised transportation map

Attachments

- Figure 1: Location Map with Regional Systems
- Figure 2: *Thrive MSP 2040* Community Designations
- Figure 3: Existing 2030 Planned Land Use
- Figure 4: 2040 Future Land Use
- Figure 5: DNR's Conditional Approval Letter of MRCCA Plan

Figure 1. Location Map with Regional Systems



Regional Systems

Transportation

- Transitways**
2040 Transportation System Policy - adopted January 2015
- Existing
 - - - Planned Current Revenue Scenario
 - · - · - Planned Current Revenue Scenario - CTIB* Phase 1 Projects
 - · - · - Potential Increased Revenue Scenario

Regional Highway System

- Existing Principal Arterials
- Planned Principal Arterials
- Existing Minor Arterials
- Planned Minor Arterials
- Existing Other Arterials
- Planned Other Arterials

Recreation Open Space

- Regional Parks**
- Existing (Open to Public)
 - In Master Plan (Not Open to Public)
 - Planned Units
- Regional Trails**
- Existing (Open to Public)
 - Existing (Not Open to Public)
 - Planned

Wastewater

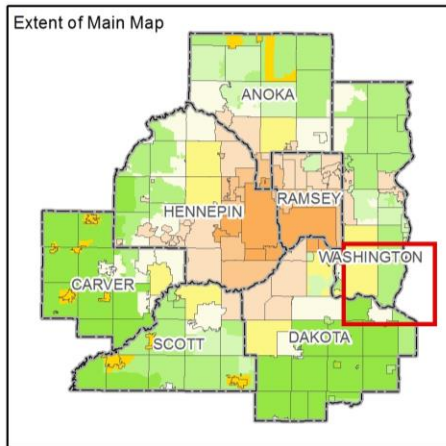
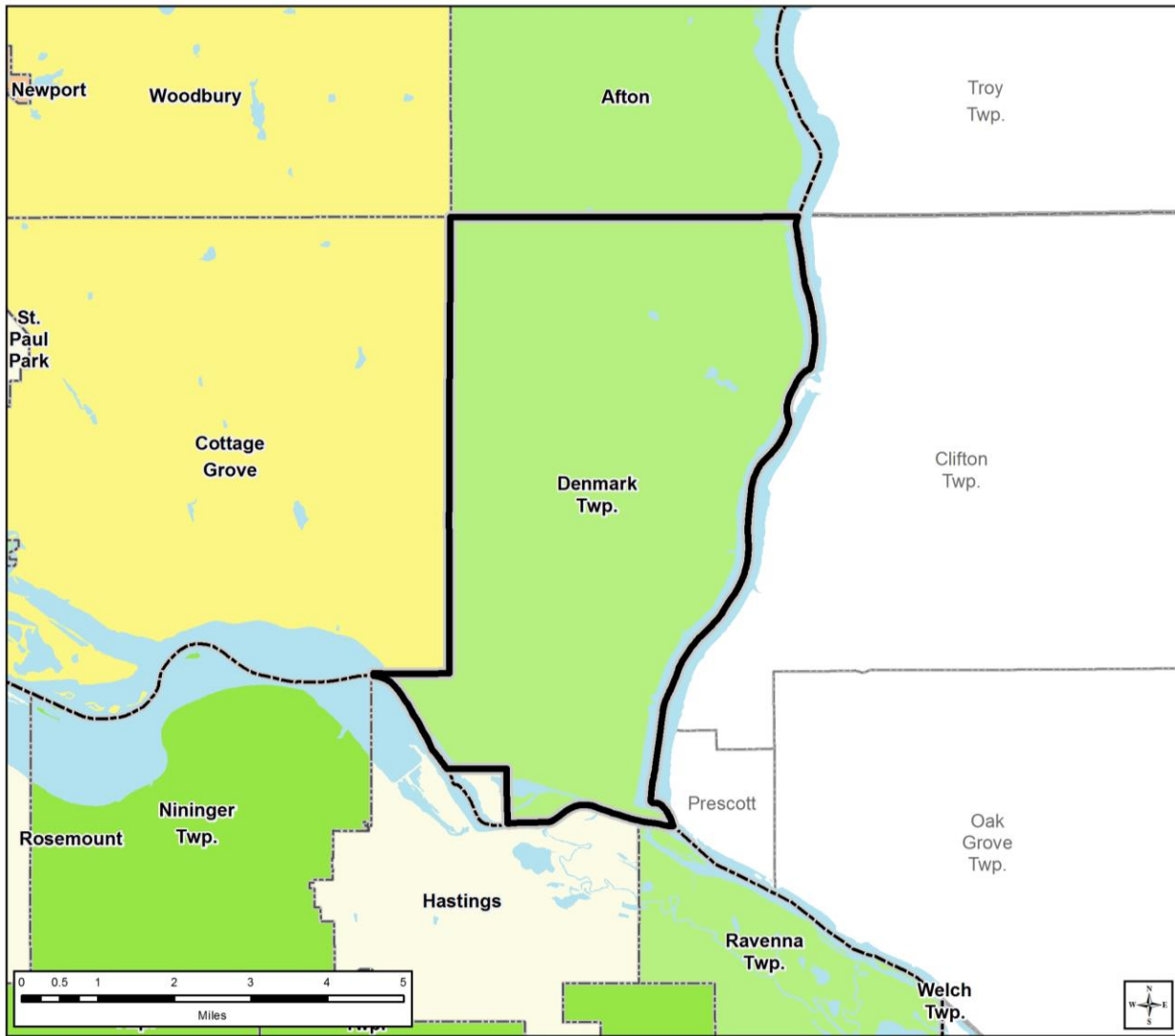
- M Meters
- L Lift Stations
- MCES Interceptors
- MCES Treatment Plants

Regional Park Search Areas and Regional Trail Search Corridors

- Boundary Adjustment
- Search Area
- Regional Trail Search Corridors
- Local Streets
- Existing State Trails
- Other Parks, Preserves, Refuges and Natural Areas

* Counties Transit Improvement Board (CTIB)

Figure 2. Thrive MSP 2040 Community Designations



Community Designations

- Outside Council planning authority
- Agricultural
- Rural Residential
- Diversified Rural
- Rural Center
- Emerging Suburban Edge
- Suburban Edge
- Suburban
- Urban
- Urban Center

- County Boundaries
- City and Township Boundaries
- Lakes and Major Rivers

Figure 3. Existing 2030 Planned Land Use

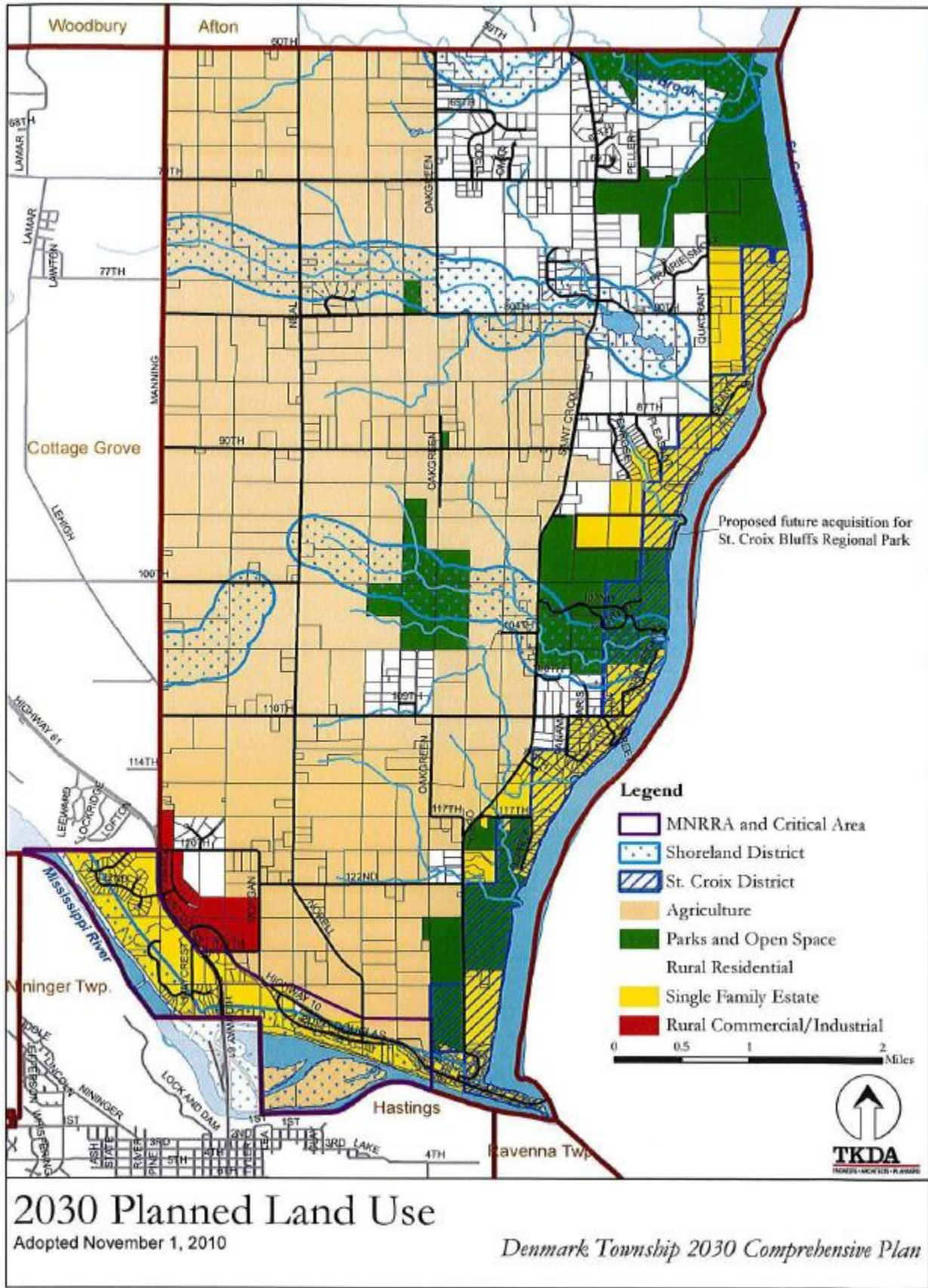


Figure 4. 2040 Future Land Use

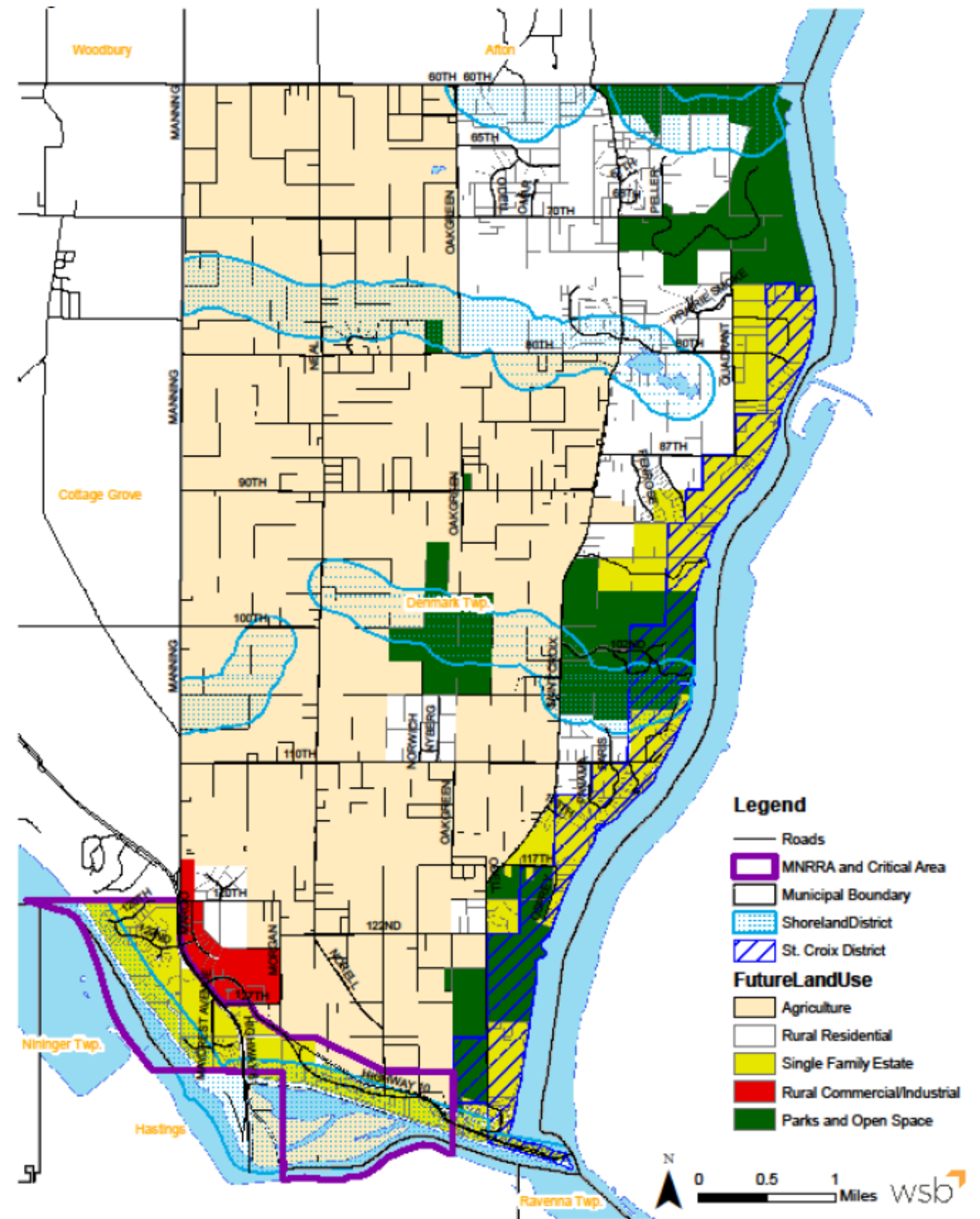


Figure 5. DNR's Conditional Approval Letter of the MRCCA Plan



September 19, 2019

Eric Maass, Consulting Planner
701 Xenia Avenue South, Suite 300
Minneapolis, MN 55416

Re: Conditional Approval – Denmark Township MRCCA Plan

Dear Mr. Maass:

I am pleased to inform you that the Minnesota Department of Natural Resources (DNR) conditionally approves Denmark Township's Mississippi River Corridor Critical Area (MRCCA) plan.

We reviewed the MRCCA plan chapter of your 2040 Comprehensive Plan Update that was submitted to the Metropolitan Council on September 5, 2019. We have found that the MRCCA plan is substantially consistent with Minnesota Statutes, §116G and Minnesota Rules, chapter 6106.

We will send final approval of your MRCCA plan after the Metropolitan Council authorizes the township to put the comprehensive plan into effect. Within 60 days of receiving DNR final approval, the township must adopt the MRCCA plan. The township must then submit a copy of the final adopted plan, with evidence of adoption, to the DNR, the Metropolitan Council, and the National Park Service within ten days of the adoption.

Only MRCCA plans and plan amendments approved by the DNR have the force and effect of law. Once in effect, local governments must implement and enforce the DNR-approved plans.

We appreciate your efforts to develop and adopt the MRCCA plan, which provides a solid basis for future ordinance amendments and MRCCA management. Please contact Matt Bauman at 651-259-5710 or at matthew.bauman@state.mn.us if you have any questions about next steps.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jennifer Shillcox'.

Jennifer Shillcox
Land Use Unit Supervisor

- c: Becky Herman, Town Clerk
Raya Esmaili, Metropolitan Council
Alan Robbins-Fenger, National Park Service
Jen Sorensen, DNR Region 3 Area Hydrologist
Matt Bauman, DNR Land Use Unit

Minnesota Department of Natural Resources • Division of Ecological and Water Resources
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