

Community Development Committee

Meeting date: February 18, 2020

For the Metropolitan Council meeting of February 26, 2020

Subject: City of Nowthen 2040 Comprehensive Plan, Review File 23330-1

District(s), Member(s): District 9, Raymond Zeran

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

Staff Prepared/Presented: Eric Wojchik, Planning Analyst (651-602-1330)
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:

1. Authorize the City of Nowthen to place its 2040 Comprehensive Plan into effect.
2. Revise the Community Designation for the eastern portion of the City to Rural Residential, as shown in Figure 3, and in accordance with the [Chapter 214, article 2, section 46 of the 2018 regular session of the Legislature.](#)
3. Advise the City to implement the advisory comments in the Review Record for surface water management, land use, and plan implementation.

Advisory Comments

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

Community Development Committee

1. As stated in the *Local Planning Handbook*, the City 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 City Council 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 City of Nowthen is located in northwestern Anoka County. It is surrounded by the communities of St. Francis, Oak Grove, Ramsey, Elk River, and Livonia Township.

The City submitted its 2040 Comprehensive Plan (Plan) to the Council for review as required by the Metropolitan Land Planning Act (Minn. Stat. §§ 473.851 to 473.871) and in response to its 2015 System Statement. On September 16, 2014, the City of Nowthen was notified by the Metropolitan Council that the Council would be revising the Long-term Wastewater Service Area (LTSA) to remove the urban service area from within the City limits. This revision in LTSA did not revise or remove the Diversified Rural community designation from the eastern portion of the City, where the City would still be expected to meet the density requirements of that community designation (1 unit per 10 acres or 4 units per 40 acres). A Diversified Rural designation without a LTSA designation is not uncommon in the region and having the Diversified Rural designation does not necessarily coincide with the LTSA.

In 2015, the Council issued system statements to all communities in the region notifying them of the timeframe to update their comprehensive plans. System statements convey to local governments the changes in regional system plans and the regional development guide, *Thrive MSP 2040*, which communities will need to respond to in their 2040 comprehensive plans.

In 2017 and 2018, the Council engaged in discussions with the City regarding the Diversified Rural community designation and the City's desire to revise this designation to Rural Residential in light of the removal of the LTSA. The Council cited the land use policy within with Thrive which discourages further expansion of the Rural Residential community designation within the region.

The City held the position that the eastern portion of the City did not necessarily have defining characteristics, apart from the former LTSA designation, that warranted a Diversified Rural community designation. In the 2018 legislative session, special legislation, [Chapter 214, article 2, section 46 of the 2018 regular session of the Legislature](#), was passed which provides that states: "Notwithstanding any law, metropolitan system plan, or the 2015 System Statement for the City of Nowthen, the Metropolitan Council shall conform its metropolitan development guide, system plans, and the System Statement for the City of Nowthen to implement any changes requested by the City relating to the Council's designation of part of or all of the City for purposes of the metropolitan development guide, system plans and statements, and the City's comprehensive plan."

The Plan includes a statement that the City has decided to remove the Diversified Rural community designation pursuant to the special legislation. The City satisfied the local certification requirements for special laws by adopting a local resolution on June 12, 2018 and submitting a Certificate of Approval of the Special Law to the Secretary of State of Minnesota on June 18, 2018 ([document 183120](#)). This Plan review reflects the requirements of the Special Law. The subject area in the eastern portion of the City is shown on Figure 3 of this report as a Rural Residential community designation, as opposed to the Diversified Rural community designation shown in the City's 2015 System Statement (Figure 2).

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 the proposed change
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

The Metropolitan Council awarded the City a Planning Assistance Grant of \$20,000 to complete its 2040 comprehensive plan. The first half of this grant was paid to initiate the local planning process. The second half of the grant will be paid after Council authorization of the City’s plan, local adoption, and the City’s submittal of final reporting requirements.

Known Support / Opposition

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

REVIEW RECORD

City of Nowthen 2040 Comprehensive Plan

Review File No. 23330-1, Business Item No. 2020-57

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 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: Colin Kelly, Community Development (CD) - Regional Parks (651-602-1361)

The Plan conforms to the 2040 Regional Parks Policy Plan for the Regional Parks System element. Anoka County is the Park implementing agency for Regional Parks System components in the City of Nowthen, for which the Plan accurately describes the Regional Parks System components. Regional Trails located within the City include the North Anoka County and Sugar Hills regional trail search corridors. The City also appropriately acknowledges State recreation lands within the City, including Bearman Wildlife Management 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). It accurately reflects 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.

Roadways

The Plan conforms to the Roadways system element of the TPP. The Plan accurately accounts for the metropolitan highway system of principal arterials and 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 community'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 City is within Transit Market Area V.

The Plan conforms to the Transit system element of the TPP. The Plan acknowledges that the City is not within the Transit Capital Levy District and that

the only transit services provided in this type of community are Transit Link dial-a-ride service and various ridesharing services.

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.

Bicycle and Pedestrian

The Plan is consistent with the Bicycle and Pedestrian policies of the TPP by planning for local pedestrian and bicycle connections to transit, regional trails, regional job concentrations, 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 City,

Water Resources

Wastewater Service

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

The Plan conforms to the 2040 Water Resources Policy Plan (WRPP). The Plan represents the City's guide for future growth and development through the year 2040. The City is entirely provided wastewater service through the use of individual private subsurface treatment systems, or SSTs except for a Planned Unit Development, the Morton Farm Preserve, that contains 20 lots on a private communal septic system. The Plan indicates continued wastewater services will be provided through the use of SSTs through 2040.

The 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 a Comprehensive Sewer Plan for approval.

The Council does not have plans to provide wastewater services to the City 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 2040 WRPP for local surface water management. The Plan satisfies the requirements for 2040 comprehensive plans. Nowthen lies within the oversight boundaries of the Upper Rum River Watershed Management Organization (WMO). The City submitted a draft Local Water Management Plan (LWMP) update on August 15, 2019. Council Water Resources staff reviewed and commented on the draft LWMP to the City and WMO in a letter dated September 6, 2019. The LWMP was approved by the Upper Rum River WMO on October 29, 2019. The Plan incorporates the final version of the LWMP dated October 2019.

Advisory Comments

When available, we request that the City provide to the Council the date the City adopted the final LWMP.

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 City'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 the City (unnumbered tables, pages 65, 73). For reference, Metropolitan Council's forecasts are shown in Table 1 below.

Table 1. City of Nowthen Forecasts

	Census	Estimated	Council Forecasts		
	2010	2018	2020	2030	2040
Population	4,443	4,758	4,590	5,100	5,500
Households	1,450	1,525	1,600	1,860	2,100
Employment	318	531	500	590	680

There is a substantial undeveloped land supply in Nowthen; the City can accommodate forecasted growth. The Land Use Plan discusses future residential development at three specific sites (pages 74-75). Additional rural residential development could be accommodated in a number of places, depending on owners' and developers' choices.

Thrive MSP 2040 and Land Use

Reviewer: Eric Wojchik, CD – Local Planning Assistance (651-602-1330)

The Plan is consistent with *Thrive MSP 2040* and its land use policies. The Plan acknowledges the community designation of Rural Residential as discussed in the Background section of this report (Figure 3).

Rural Residential communities have residential patterns characterized by large lots and do not have plans to provide urban infrastructure, such as centralized wastewater treatment. Many of these communities have topographical development limitations and a development pattern with lot sizes that generally range from 1 - 2.5 units per acre. Rural Residential communities are expected to discourage future development of rural residential patterns and where opportunities exist, plan for rural development at densities that are not greater than 1 unit per 10 acres.

The existing land uses in Nowthen are predominately agricultural and undeveloped land (46%), with the second largest use being residential (44%). Most of the existing commercial/office (0.1%) and industrial (0.5%) uses are located near transportation corridors in the community. Approximately 0.8% of the City is parks/open space, and 2.3% is public or quasi-public land use (Figure 4).

The Plan is consistent with *Thrive* for land use and residential density policies for a Rural Residential community designation because it incorporates the Council's Flexible Development Guidelines for its Rural Residential (Transition) area. Within the Plan, the City guides Rural Residential land at a maximum development density of 1 unit per 2.5 acres in the Rural Residential (Permanent) area, across 19,452 acres, with an overall average density of 1 unit per 5 acres (Figure 5). Within the Rural Residential (Transition) area, consisting of 478 acres, the City plans for maximum densities of 1 unit per 2 acres.

The Plan incorporates the Council's Flexible Development Guidelines (referenced in the Land Use section and included in Appendix D of the Plan) to preserve natural resources and preserve open space, especially in the Rural Residential (Transition) and agricultural areas of the City (see Land Use Policy 5, Rural Residential (Transition) on page 27, of the Plan).

The Plan also references the use of the Council's Flexible Development Guidelines in the Natural Environment section of the Plan, on page 27.

Advisory Comments

The Plan could be clearer about the City's intention to ensure consistency with Council land use policies if it explicitly tied use of the Council's Flexible Development Guidelines to particular land use characteristics or development criteria within the Plan. As currently written, use of the Council's Flexible Development Guidelines for the Rural Residential (Transition) area will be employed "to the extent possible" (Plan page 27). The City commits to the use of Planned Unit Developments (PUDs) under which Flexible Development can occur, but the Plan states that requirements and criteria will need to be updated in the City's Zoning Ordinance to provide more clarity on the application of Flexible Development. Council staff are available to assist the City in creating policies that clearly link the use of Flexible Development Guidelines to land use criteria within the Plan.

The Council encourages the City to create a land use designation at reduced densities (for example, 1 unit per 10 acres) for new development and to more clearly identify areas where the City wants to preserve natural resources and open space through the use of such a land use designation and the Council's Flexible Development Guidelines.

Housing

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

The Plan is consistent with the 2040 Housing Policy Plan. The City's existing housing stock is primarily rural residential. The City's growth in 1990 has been consistent and modest, adding a few hundred households each decade.

As of 2016, the City had just over 1,500 housing units, the vast majority of which are single family. Council data show that approximately 36% of those units were affordable to households earning 80% of the Area Median Income (AMI) or less (or \$68,000 for a family of four), and there are no publicly subsidized housing units, which is not uncommon for rural residential communities. The City does not have an allocation of affordable housing need in the 2021-2030 decade, as it will not experience any sewer-serviced growth.

The Plan states the City's housing needs as preserving existing housing, adding senior or life-cycle housing options, and preserving farmsteads. The Plan indicates the City's willingness to provide housing referrals for services not provided by the City, and an interest in exploring a community land trust model to preserve existing affordable homeownership options.

Water Supply

Reviewer: John Clark, ES – Water Supply Planning (651-602-1452)

Because Nowthen relies primarily on private wells and does not own/operate a municipal community public water supply system (PWS), no local water supply plan is required. However, the Plan includes information about water sources, including plans to protect private water supplies, in appropriate sections.

The Plan is consistent with WRPP 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.

The City has provided excellent water supply, drinking water resource, and source water protection information. We commend the City for compiling this information and providing it as a part of their 2040 comprehensive plan.

Community and Subsurface Sewage Treatment Systems (SSTS)

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

The Plan indicates that there are 1,547 individual SSTS and one privately-owned Community Wastewater Treatment System serving 20 single-family dwellings in the Morton Farm Preserve

development in the City. The City's Chapter 9 Section 3 SSTS Building Code is consistent with Minnesota Pollution Control Agency Chapter 7080-7083 Rules and Council 2040 WRPP requirements.

Special Resource Protection

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 information contained in the *Minnesota Geological Survey Information Circular 46*, that there are trace aggregate resource deposits present within the City. The majority of the resources present do not meet current industry standards. City Zoning Ordinance Sections 11-4-10 and 6-5 indicate that mining is permitted with conditions by Interim Use Permit.

Historic Preservation

Reviewer: Eric Wojchik, CD – Local Planning Assistance (651-602-1330)

The City does not contain any buildings or structures that are listed on the National Register of Historic Places or that have been identified by the Minnesota Historical Society as being eligible for the National Register. However, the Plan includes commitments to ensure historic building and site preservation on page 94 of the Plan. The City has an annual Heritage Days celebration every autumn, which includes activities and information about Nowthen's history, and the Nowthen Historic Power Association sponsors a Threshing Show as well as other heritage activities throughout the summer.

Plan Implementation

Reviewer: Eric Wojchik, CD – Local Planning Assistance (651-602-1330)

The Plan describes the official controls and fiscal devices that the City will employ to implement the Plan. Specific implementation strategies are described in the Implementation Section of the Plan, starting on page 114. The Implementation section includes a description of and schedule for any necessary changes to the zoning code, the subdivision code, and the SSTS code. The City does not have a formalized Capital Improvement Plan, but the City is committed to draft one as part of the City's annual budgeting process. The Plan states that the City does not have any capital improvements planned between 2019 and 2024 that would have potential to impact regional transportation, sanitary sewer, parks, water supply, or open space facilities.

Advisory Comments

When available, the Council requests that the City provide to the Council its adopted CIP. The City must submit a copy of its current CIP for streets maintenance, discussed in the Plan on page 120, which runs through 2023.

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

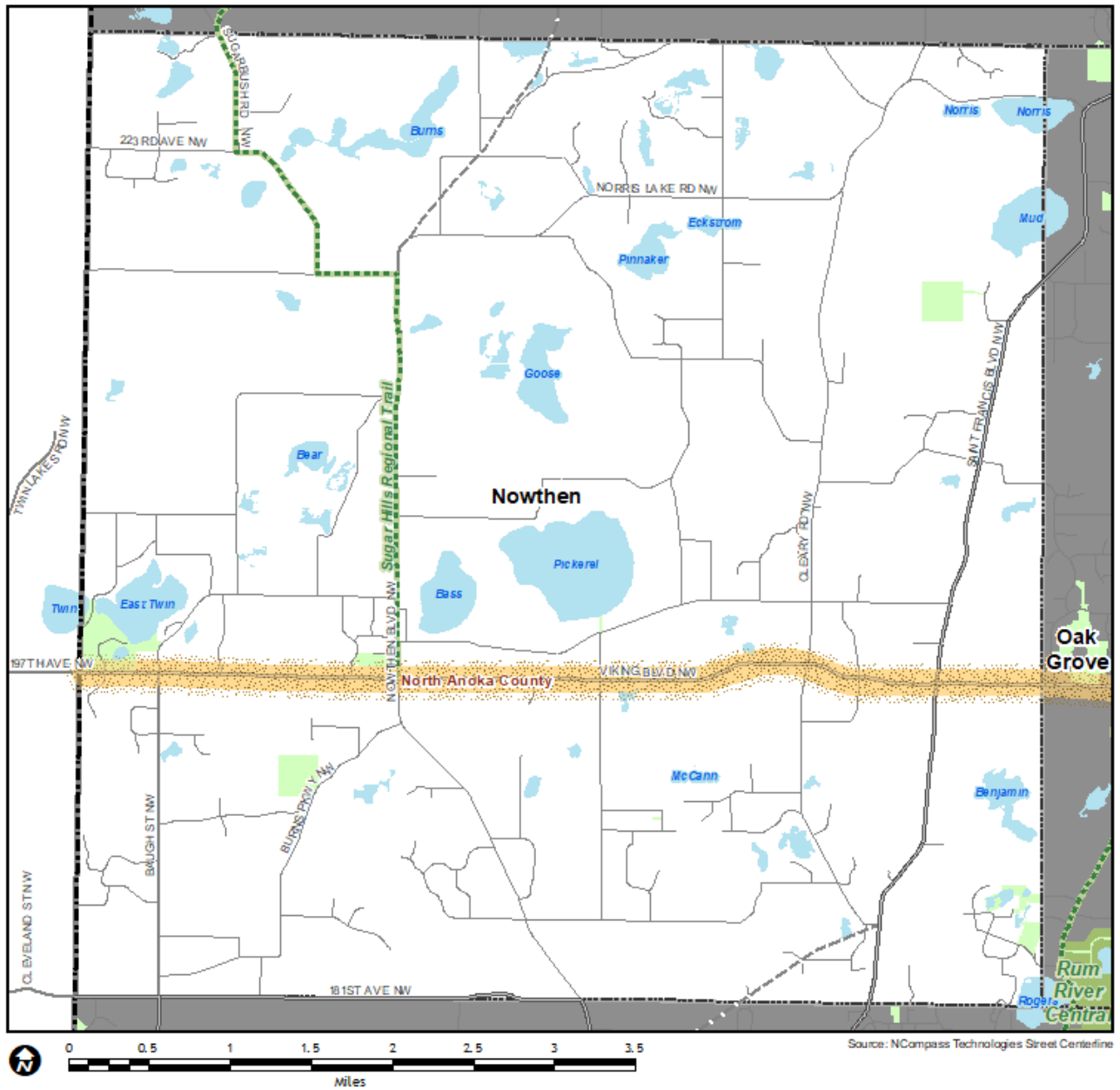
In response to the 2015 System Statement, and in accordance with [Chapter 214, article 2, section 46 of the 2018 regular session of the Legislature](#), the City submitted the following documents for review:

- July 31, 2019: City of Nowthen 2040 Comprehensive Plan
- August 15, 2019: Local Surface Water Management Plan
- December 21, 2019: Revised 2040 Comprehensive Plan Responding to Council Incomplete Items for Forecasts, Wastewater, Land Use, Housing, Parks and Trails, Water Resources, Transportation and Transit, and Community Wastewater Treatment and Subsurface Treatment Systems (SSTS)
- January 13, 2020: Revised Housing Chapter

Attachments

- Figure 1: Location Map with Regional Systems
Figure 2: *Thrive MSP 2040* Community Designations, 2015 System Statement
Figure 3: Revised *Thrive MSP 2040* Community Designation
Figure 4: Existing Land Use
Figure 5: 2040 Future Land Use

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

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

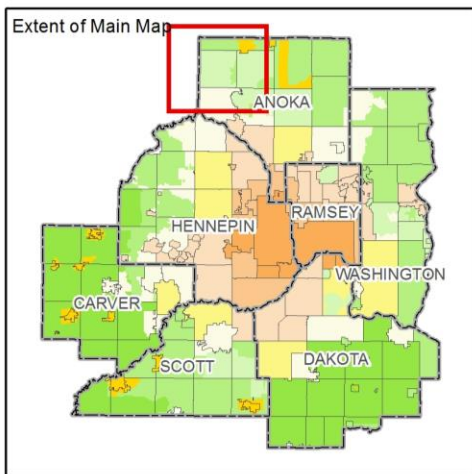
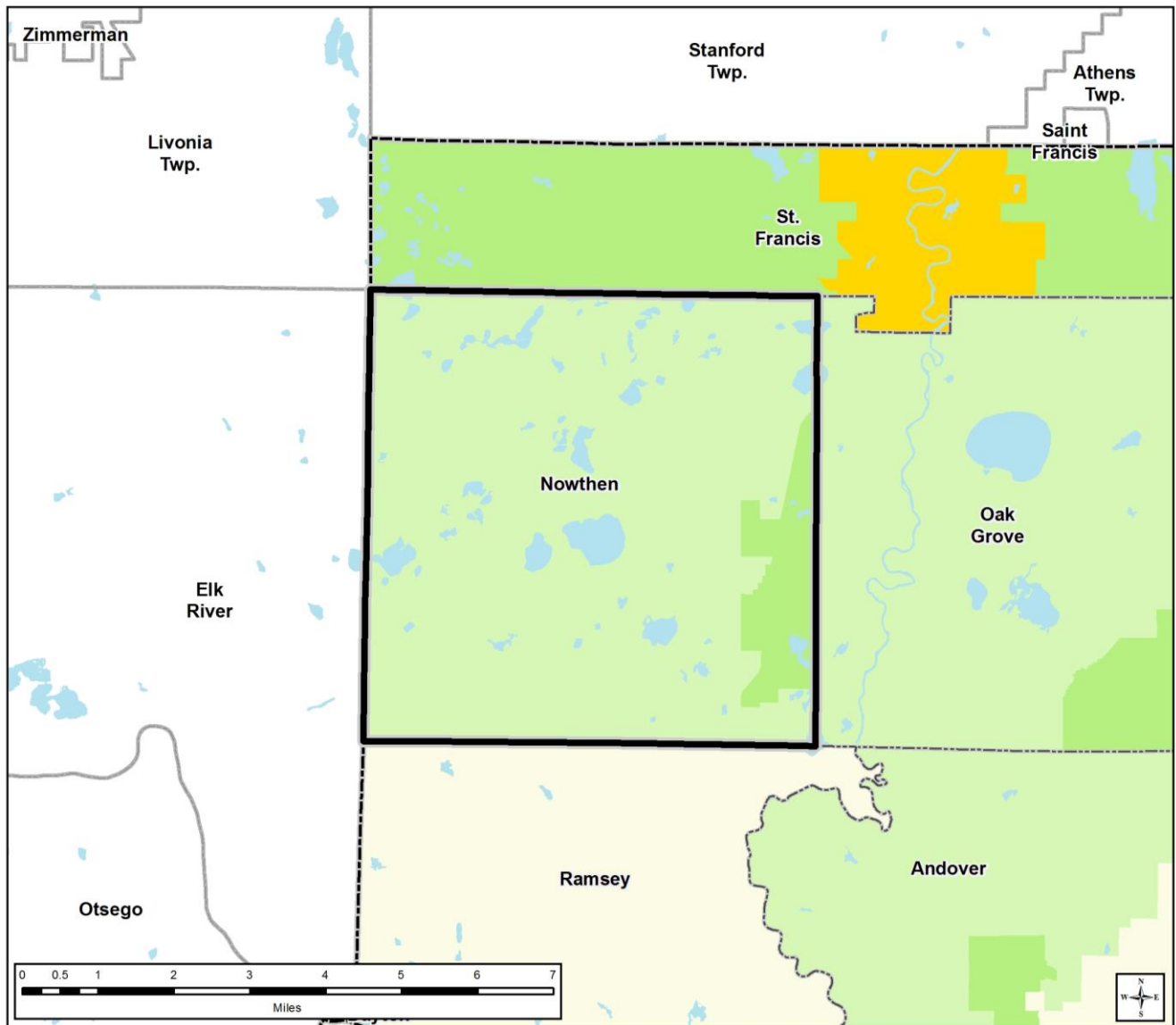
Regional Park Search Areas and Regional Trail Search Corridors

- 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, 2015 System Statement

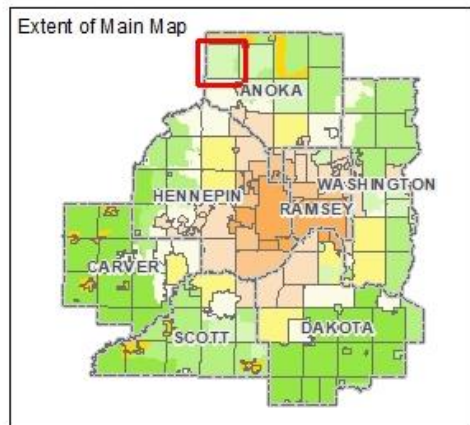
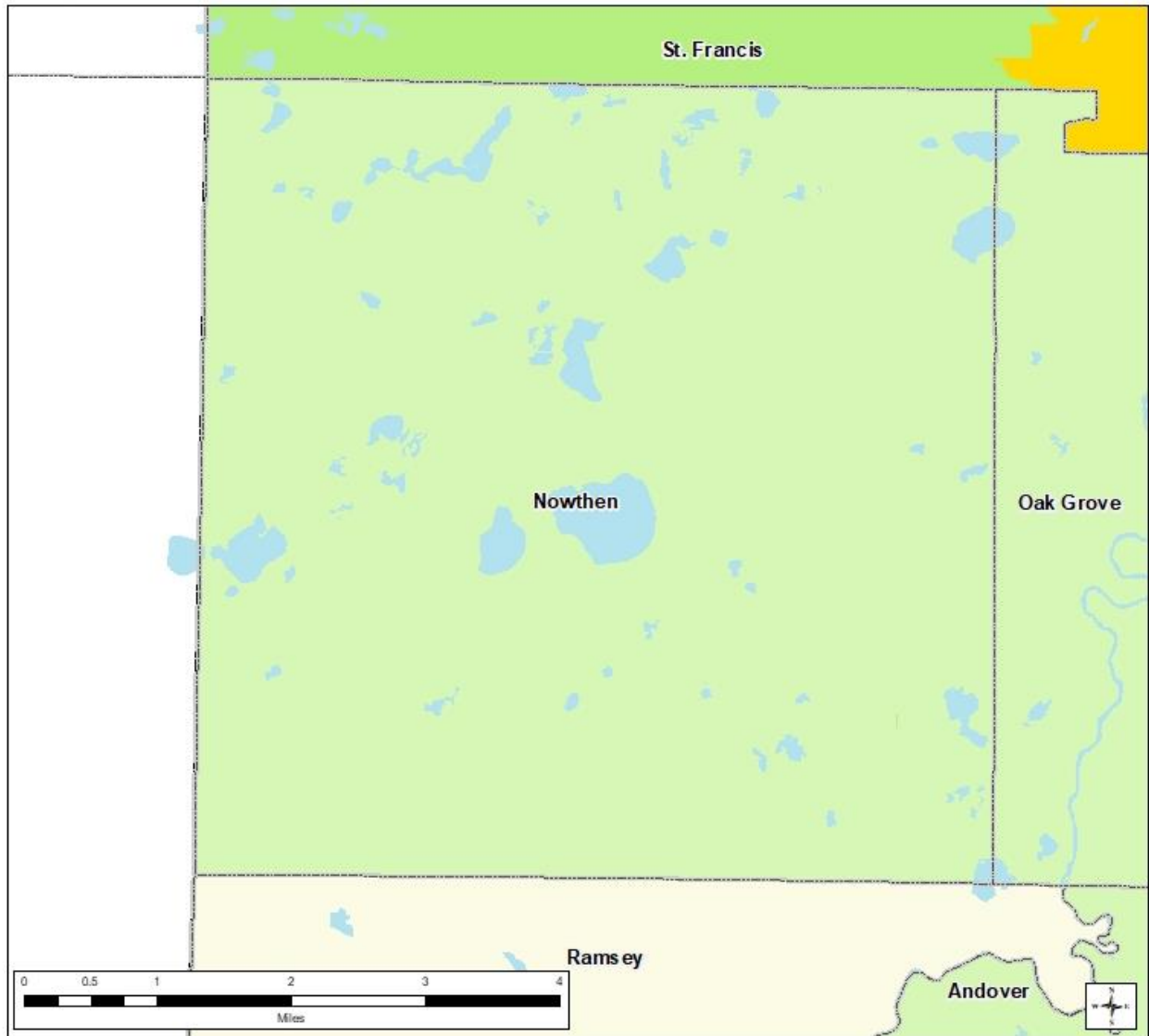


Community Designations

- 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

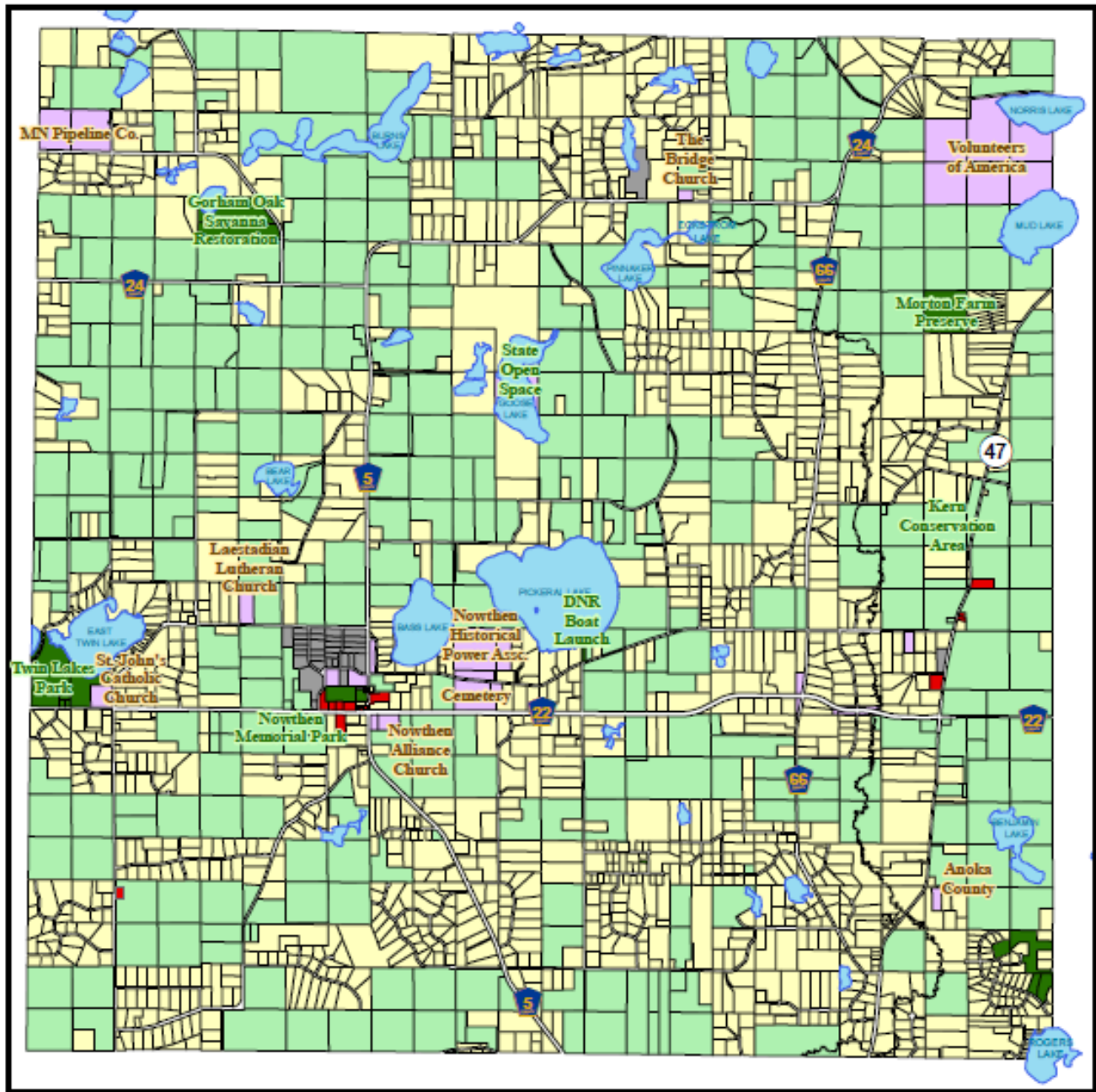
Figure 3. Revised Thrive MSP 2040 Community Designation



Community Designations

- | | |
|------------------------------------|------------------------|
| Outside Council planning authority | Emerging Suburban Edge |
| Agricultural | Suburban Edge |
| Rural Residential | Suburban |
| Diversified Rural | Urban |
| Rural Center | Urban Center |
-
- | |
|------------------------------|
| County Boundaries |
| City and Township Boundaries |
| Lakes and Major Rivers |

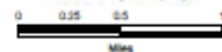
Figure 4. Existing Land Use



EXISTING LAND USE

- | | |
|--|---|
|  Agricultural / Vacant (10,380ac / 46.1%) |  Parks, Open Space and Conservation Areas (181ac / 0.8%) |
|  Commercial (28ac / 0.1%) |  Public and Quasi Public (516ac / 2.3%) |
|  Industrial (104ac / 0.5%) |  Rural Residential (9,824ac / 43.6%) |
| |  Lakes (1,062ac / 4.2%) |

TPC
The Planning Company

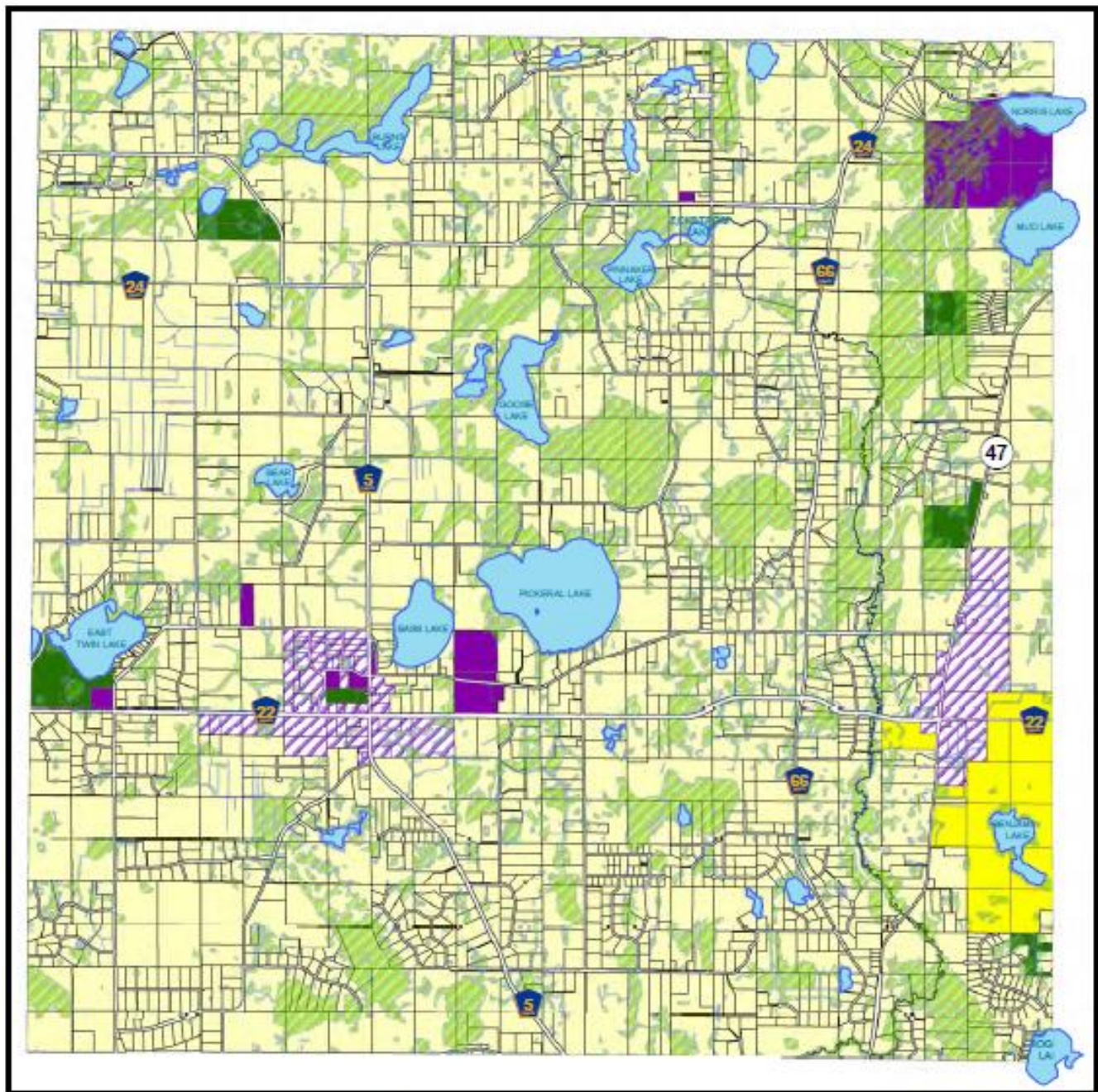


SOURCES: CITY OF NOWTHEN, ANOKA COUNTY, MN DNR, HAA, TPC

MAP DATE: 23 MAR, 2019

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Figure 5. 2040 Planned Land Use



2040 LAND USE PLAN

-  Wetlands
-  Rural Residential (Transition) (478/2.1%)
20/40 2.0ac+
-  Rural Residential (Permanent) (19452 acres / 86.4%)
8/40 2.5ac+
-  Commercial / Light Manufacturing (626 acres / 2.8%)
-  Public and Quasi Public (335 acres / 1.5%)
-  Parks and Open Space (142 acres / 0.6%)

TPC
The Planning Company



SOURCES: CITY OF NOWTHEN, ANOKA COUNTY,
MN DNR, HAA, TPC

MAP DATE: 5 MAR, 2019

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