# **Business Item**

Community Development Committee



Committee Meeting Date: June 6, 2022 For the Metropolitan Council: June 22, 2022

Environment Committee Date: June 14, 2022

Business Item: 2022-140 JT

City of Vermillion 2040 Comprehensive Plan and Comprehensive Sewer Plan, Review File 22180-1

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

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

473.513

**Staff Prepared/Presented:** Patrick Boylan, Planning Analyst (651-602-1438)

Angela R. Torres, Local Planning Assistance Senior Manager (651-602-

1566)

Kyle Colvin, Wastewater Planning and Community Programs Manager (651-

602-1151)

**Division/Department:** Community Development / Regional Planning

Environmental Services / Technical Services

## **Proposed Action**

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

#### **Recommendations of the Community Development Committee**

- 1. Authorize the City of Vermillion to place its 2040 Comprehensive Plan into effect.
- 2. The City needs provide to the Council the date the Watershed approves the final Local Water Management Plan, and the date the City adopts the final Local Water Management Plan. We also request that the City provide the Council with a copy of the final adopted Local Water Management Plan that will be included in the final Plan document that the City adopts, if it differs from the version in the Plan submitted to the Council on December 31, 2018.
- 3. Advise the City to implement the advisory comments in the Review Record for forecasts and water supply.

#### **Recommendation of the Environment Committee**

- 1. Approve the City of Vermillion's Comprehensive Sewer Plan.
- 2. Advise the City to implement the advisory comments in the Review Record for wastewater.
- 3. The Plan indicates that the city's wastewater treatment facility has adequate capacity to accommodate the anticipated growth through 2040, but that it will be at capacity at that time. If additional growth beyond that reflected in the Plan is proposed in the future, the City will need to evaluate future options and begin the process of developing a Facility Plan for potential capacity improvements. If a future Facility Plan is developed, the City shall submit a final copy to the Metropolitan Council as an amendment to its comprehensive sewer plan.
- 4. The final submittal of the Plan should include the correct Appendix reference to the NPDES

Permit, and also should include the entire current NPDES Permit. The updated NPDES Permit once issued should be forwarded to the Council.

# **Advisory Comments**

The following Advisory Comments are part of the Council action authorizing the City of Vermillion 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. § 473.864, subd. 1)
- 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).

#### **Environment Committee**

- 1. The Council-approved Comprehensive Sewer Plan becomes effective only after the Plan receives final approval from the local governmental unit's governing body. After the Plan receives final approval from the City and the Comprehensive Sewer Plan becomes effective, the City may implement its Plan to alter, expand, or improve its sewage disposal system consistent with the Council-approved Comprehensive Sewer Plan.
- 2. A copy of the City Council resolution adopting its 2040 comprehensive plan, including its Comprehensive Sewer Plan, must be submitted to the Council.

# **Background**

The City of Vermillion is located in central Dakota County. It is completely surrounded by Vermillion Township.

The City 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).

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 (Minn. Stat. § 473.513).

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	Thrive MSP 2040 and Land Use	Consistent
Consistency with Council Policy	Forecasts	Consistent
Consistency with Council Policy	2040 Housing Policy Plan	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 \$10,000 to complete its 2040 comprehensive plan as a component of the Dakota County Collaborative Plan Update. 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 opposition.

# REVIEW RECORD

# City of Vermillion 2040 Comprehensive Plan

Review File No. 22180-1, Business Item No. 2022-140 JT

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. Dakota County is the park implementing agency for Regional Parks System components in Vermillion, for which the Plan accurately describes Regional Parks System components. Regional Trails located within the City include the Vermillion River Greenway Regional Trail Search Corridor (Figure 1). There are no state or federal lands within the City.

# Regional Transportation, Transit, and Aviation

Reviewer: Russ Owen, Metropolitan Transportation Services (MTS) (651-602-1724)
The Comprehensive Plan (Plan) conforms to the 2040 Transportation Policy Plan (TPP) adopted in 2015. 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 of which there are none in the city and including planned additions and improvements identified in the Current Revenue Scenario, and any right-of-way preservation needs.

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 was done 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, which includes the Dakota County 2040 Transportation Plan and the Dakota County Principal Arterial Study.

#### 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 is consistent with the policies of the Transit system element of the TPP. The Plan addresses community roles related to its Community Designation.

#### Aviation

The Plan conforms to Aviation system element of the TPP. The Plan includes policies that protect regional airspace from obstructions.

# **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. There are no Tier 2 corridor/alignments in the City.

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 regional destinations.

# Freight

The Plan is consistent with Freight policies of the TPP. The Plan identifies that there is little to no freight movement through the City. There are no active rail lines and no specific needs for Freight at this time.

# Transportation Analysis Zones (TAZs)

The Plan conforms to the TPP regarding TAZ allocations. The City's TAZ allocations for employment, households and population appropriately sum to the Metropolitan Council's citywide forecast totals for all forecast years.

The City'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 City's community designation.

#### **Water Resources**

#### Wastewater Services

Reviewer: Kyle Colvin, Environmental Services (ES) – Wastewater Planning and Community 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. It includes growth forecasts that are consistent with the Council's assigned forecasts for population, households, and employment.

Current wastewater treatment services are provided by a wastewater treatment facility owned and operated by the city. The Plan projects that the City will have 164 sewered households and 200 sewered employees by 2040.

The City's wastewater treatment facility currently provides service to only the City of Vermillion. The Plan indicates that the facility is currently operating near capacity. The Plan states that the existing facility has sufficient capacity to accommodate eight additional homes. The sewered growth forecasts indicate a total of 10 households and 50 employees will be added to the system between 2020 and 2040, and that the City does not plan to allow additional development after the capacity of the treatment facility is reached, The Plan does acknowledge that a portion of the community is located within the Council's Long-Term Service Area (LTSA) and could potentially be served through the Empire Wastewater Treatment Plant. However, the Plan does not reflect nor infers that sewered growth will occur within the LTSA by 2040.

The Plan does not state that the City is considering a request to connect to the Metropolitan Disposal System by 2040, nor does it request that the City's wastewater treatment works be acquired by the Metropolitan Council.

The Plan states that most of the wastewater collection system was constructed around 1967 and consists of vitrified clay pipe. The system is susceptible to inflow and infiltration and to address this, the City now televises its system every five years and prioritizes rehabilitation work in the form of pipe lining, joint grouting and manhole work that were identified through the inspections. The Plan also states that if these activities do not yield significant enough results, the City will consider implementing a sump pump inspection and disconnection program.

#### **Sewer Element Comments**

The Sewer Element of the Plan has been reviewed against the requirements for Comprehensive

Sewer Plans for Rural Center communities. It was found to be complete and consistent with Council polices. Upon adoption of the Plan by the City, the action of the Council to approve the Sewer Plan becomes effective. At that time, the city may implement its Plan to alter, expand, or improve its sewage disposal system consistent with the approved Sewer Plan. A copy of the City Council Resolution adopting its Plan needs to be submitted to the Metropolitan Council for its records. Portions of the city are also designated as Agricultural.

# **Advisory Comments**

- 1. The Plan indicates that the City's wastewater treatment facility has adequate capacity to accommodate the anticipated growth through 2040, but that it will be at capacity at that time. If additional growth beyond that reflected in the Plan is proposed in the future, the city will need to evaluate future options and begin the process of developing a Facility Plan for potential capacity improvements. If a future Facility Plan is developed, a final copy shall be submitted to the Metropolitan Council as an amendment to its comprehensive sewer plan.
- 2. The final submittal of the Plan should include the correct Appendix reference to the NPDES Permit, and also should include the entire current NPDES Permit. The updated NPDES Permit once issued should be forwarded to the MCES.

# Community Wastewater Treatment and Subsurface Sewage Treatment Systems (SSTS)

Reviewer: Kyle Colvin, Environmental Services (ES) – Wastewater Planning and Community Programs, (651-602-1151).

The Plan is consistent with the Council's 2040 Water Resources Policy Plan. The Plan indicates that there is six SSTS in use within the rural area of the city and there are no other identified private Community Wastewater Treatment Systems. All other residences and businesses in the city are served by the local sanitary sewer collection system and municipal wastewater treatment facility. Dakota County administers the SSTS systems within the city. The Plan refers to provisions in Dakota County Ordinance #113 that add additional requirements to MPCA Rules Chapter 7080. The Plan states that Dakota County is currently working with area building officials to create any necessary amendments to Ordinance #113 and to develop a local ordinance model that will incorporate any new provisions of MPCA Rules Chapters 7080-7083. The Plan is consistent with the Council's 2040 Water Resources Policy Plan.

# Surface Water Management

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

The Plan is consistent with Council policy requirements and in conformance with the Council's 2040 Water Resources Policy Plan for local surface water management. The Plan satisfies the requirements for 2040 comprehensive plans. Vermillion lies within the oversight boundaries of the Vermillion River Watershed Joint Powers Organization (Watershed). Vermillion is part of the Dakota County Rural Collaborative (DCRC) that has prepared a joint Plan that incorporates a Local Water Management Plan (LWMP) element. The DCRC submitted a draft LWMP to the Council in conjunction with its Preliminary Plan on July 2, 2018. Council Water Resources staff reviewed and commented on the draft LWMP to the DCRC and Watershed in a letter dated August 13, 2018.

The City has identified no existing or potential future water resource-related problems in its Local Water Management Plan (LWMP) or Capital Improvement Program (CIP) that it intends to address in the ensuing 10-year planning period. The City has adopted the Vermillion River Watershed Joint Powers Organization (Watershed) watershed plan by reference and provided as surance that it will work with the Watershed to implement projects within City boundaries. It will likely be incumbent upon the Watershed to identify the existence of any water resource problems in the City; as well as plan, design, and implement any projects to resolve future water resource problems. The Council encourages the Watershed to reach out to and involve the City when it moves new projects forward to resolve water resources issues that may share either their source or resolution area within City boundaries.

#### **Advisory Comments**

The City needs provide to the Council the date the Watershed approves the final LWMP, and the

date the City adopts the final LWMP. We also request that the City provide the Council with a copy of the final adopted LWMP that will be included in the final Plan document that the City adopts, if it differs from the version in the Plan submitted to the Council on December 31, 2018.

# **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 Metropolitan Council forecasts for the city in Plan table 2 (page 8). For reference, Metropolitan Council forecasts are shown below in Table 1.

Table 1. City of Vermillion Forecasts

	Census	Census	Council Forecasts		
	2010	2020	2020	2030	2040
Population	419	441	410	420	420
Households	156	168	160	160	170
Employment	93	111	150	180	200

All forecast tables throughout the plan update are consistent. The inventory and capacity of Vermillion's land supply for 2040 appears to accommodate their forecasted growth.

#### **Advisory Comments**

As previously advised, and acknowledged by the City, the current employment estimate suggests that the City will likely not meet their employment Forecasts. The City should consider a formal Forecast Change request to decrease Employment forecasts as part of a future plan amendment.

# Thrive MSP 2040 and Land Use

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

The Plan is consistent with *Thrive MSP 2040* and its land use policies. The Plan acknowledges the Thrive community designations of Rural Center and Agricultural (Figure 2).

The existing land uses in the City of Vermillion are predominately agricultural (79%), and residential (13.5%). Most of the existing commercial (1.2%) land uses are near transportation corridors and approximately 4% of the City is Open Water or Park, Recreation" (Figure 3).

#### **Rural Center**

Rural Centers are local commercial, employment, and residential activity centers serving rural areas in the region. These small towns are surrounded by agricultural lands and serve as centers of commerce to surrounding farmland and the accompanying population. Rural Center communities should strive for higher-density commercial uses and compatible higher-density residential land uses in the commercial core of the community to ensure efficient uses of existing infrastructure investments.

Thrive describes Rural Center communities as communities that are expected to plan for forecasted population and household growth at overall average densities of at least 3-5 units per acre for new development and redevelopment. The Plan shows 17.7 acres of land guided at a minimum of 3.79 and a maximum of 7.17 units per acre through 2040.

For the portion of Vermillion that is guided residential, which is in the sewer-serviced portion of the community, the Plan is consistent with Thrive for land use and residential density policies for a Rural Center community designation, as shown in Table 3 below. Thrive calls for Rural Center communities to plan for forecasted population and household growth at overall average densities of at least 3 units per acre.

Table 2. Planned Residential Density, City of Vermillion

2020-2040 Change

	Density Ne		Net	Min Units	Max Units
Category	Min	Max	Acres	WIIII OIIIIS	Wax Ullis
Rural Large Lot Residential	0.1	0.2	10	1	2.0
Single Family Residential	3	6	2.3	7	14
High Density Residential	4	8	0	0	0.0
	TC	OTALS	17.7	67	127
		Overa	II Density	3.79	7.17

# Agricultural

Agricultural communities encompass areas with prime agricultural soils that are planned and zoned for long-term agricultural use. Areas designated as Agricultural are expected to manage land uses to prevent the premature demand for extension of urban services, and so that existing service levels will meet service needs. *Thrive* expects Agricultural communities to limit residential development and adopt zoning ordinances and/or other official controls to maintain residential densities no greater than 1 housing unit per 40 acres. The Plan guides future agricultural areas and protects Agricultural Preserves areas at the required 1 per 40 density standard.

#### Housing

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

The Plan is consistent with the *Housing Policy Plan* (HPP). As of 2016, the City has more than 160 homes including 20 multifamily units and 140 single-family homes. Approximately 11 homes are rented. More than 120 housing units are currently affordable to households earning under 80% of Area Median Income (AMI), however, more than 25 households earning 80% of AMI or below are paying more than 30% of their income toward housing costs. There are no units affordable to households with income at or below 30% AMI and more than 5 cost burdened households with incomes at or below 30% AMI.

The Plan identifies existing housing needs including maintenance and reinvestment in existing housing stock, variety of housing affordable to a range of income levels. The City does not currently have any publicly subsidized housing. The City does not have an allocation of affordable housing need in the 2021-2030 decade, as it is not expected to experience any regionally sewer-serviced growth.

The housing implementation plan component of the Plan describes that the City will consider PUDs and will work the Dakota County CDA to offer referrals to most housing services.

#### Water Supply

Reviewer: Lanya Ross, ES – Water Supply Planning (651-602-1803)

The Plan is consistent with the 2040 Water Resources Policy Plan (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.

Because the City has a municipal public water supply system, the Local Water Supply Plan (LWSP) must be – and is – included as part of the 2040 Plan. The City prepared a LWSP that was submitted to both the Minnesota Department of Natural Resources (DNR) and the Council and reviewed under separate cover. The initial LWSP was considered complete by the Council and a review letter was sent to the DNR on February 10, 2020.

#### **Advisory Comments**

If changes are made to the LWSP resulting from DNR's review or from changes during a comprehensive plan amendment, the City will need to provide the Council and DNR with the updated information.

# **Special Resource Protection**

#### Solar Access Protection

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

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

The Plan identifies, consistent with *Minnesota Geological Survey Information Circular 46* information, the presence and location of viable aggregate resource deposits within the City. Aggregate resources are protected for future extraction by the limited development density allowed in the City's agricultural land use areas and through its zoning regulations and mining ordinance. The Plan incorporates a Land Use Goal to "[e]valuate the potential for mineral extraction of high quality aggregate resources prior to development."

#### **Historic Preservation**

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

The document supports historic preservation in efforts that the Plan mentions the retention of the rural atmosphere and small-town character of Vermillion.

The present-day John the Baptist Church was built in 1913 serving local German Roman Catholics. The Church is on the Minnesota Historical Society's inventory of historical resources. The Plan states that the City 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 the cultural heritage of the community.

# Plan Implementation

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

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 City will employ to implement the Plan. Specific implementation strategies are contained in individual chapters of the Plan, with capital improvements planning detailed in the appendix.

# 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 City submitted the following documents for review:

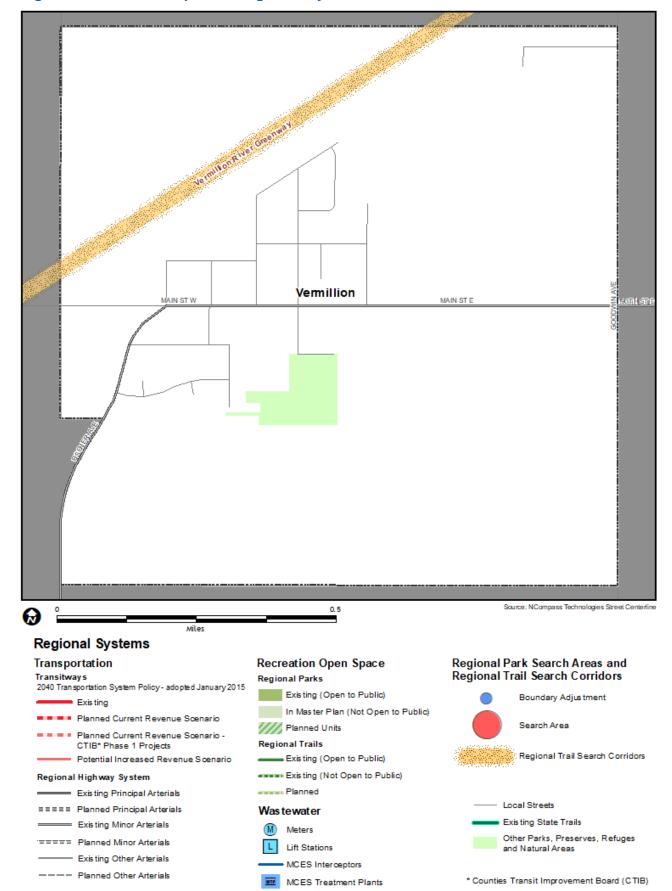
- December 31, 2018: Vermillion 2040 Comprehensive Plan
- March 11, 2019: Supplemental information responding to Council incomplete items for land use, surface water management, water supply, transportation, housing, and wastewater.
- May 2, 2022: Revised 2040 Comprehensive Plan responding to Council incomplete items for transportation and wastewater.

# **Attachments**

Location Map with Regional Systems
Thrive MSP 2040 Community Designations
Existing Land Use
2040 Planned Land Use

Figure 1: Figure 2: Figure 3: Figure 4:

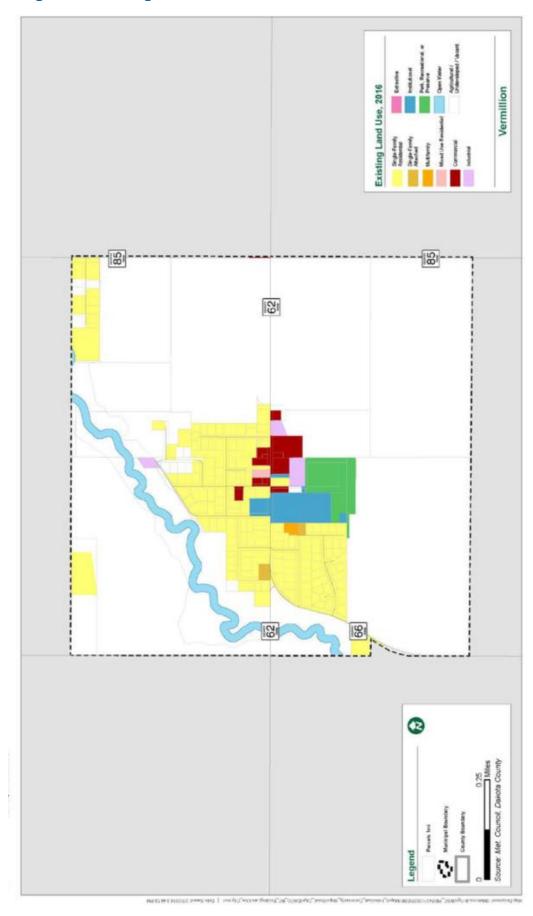
Figure 1. Location Map with Regional Systems



Hastings Nininger Twp. Ros emount Coates Empire Twp. Mars han Twp. Vermillion Vermillion Twp. Castle Douglas Twp. Hampton Twp. Extent of Main Map **Community Designations** ANOKA Emerging Suburban Edge Outside Council planning authority Suburban Edge Agricultural WA SHIN GTON Suburban Rural Residential Urban Diversified Rural Urban Center Rural Center County Boundaries City and Towns hip Boundaries Lakes and Major Rivers

Figure 2. Thrive MSP 2040 Community Designations

Figure 3. Existing Land Use



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Figure 4. 2040 Planned Land Use

