

Community Development Committee

For the Metropolitan Council meeting of March 28, 2018

Subject: Eureka Township 2040 Comprehensive Plan, Review File 21834-1

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 Eureka Township to place its 2040 Comprehensive Plan into effect.
2. Advise the Township to implement the advisory comments in the Review Record for Aviation, Housing, Water Supply, and Solar Resources

Summary of Committee Discussion/Questions

Planning Analyst Patrick Boylan presented the staff's report to the Committee. Council member Dorfman asked about affordable housing and if the Township was required to provide any. Boylan responded that the community does not receive any regional sanitary sewer service; therefore, the Township's 2021 – 2030 Allocation of Need is zero units.

Committee members also asked about extractive and an institutional land use on the west shore of Chub Lake but generally did not have any additional questions or discussion.

The Community Development Committee unanimously recommended approval of the proposed action with no questions or discussion at its meeting on March 19, 2018.

Community Development Committee

Meeting date: March 19, 2018

For the Metropolitan Council meeting of March 28, 2018

Subject: Eureka Township 2040 Comprehensive Plan, Review File 21834-1

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

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

Staff Prepared/Presented: Patrick Boylan, AICP, Sector Representative (651-602-1438)
LisaBeth Barajas, Local Planning Assistance Manager (651-602-1895)

Division/Department: Community Development / Regional Planning

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Recommendations of the Community Development Committee

1. Authorize Eureka Township to place its 2040 Comprehensive Plan into effect.
2. Advise the Township to implement the advisory comments in the Review Record for Aviation, Housing, Water Supply, and Solar Resources.

Advisory Comments

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

Eureka Township is located in the south-central portion of Dakota County. It is surrounded by the communities of Lakeville, Farmington, Castle Rock Township, Waterford Township, Greenvale Township, and New Market Township.

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

Eureka Township 2040 Comprehensive Plan

Review File No. 21834-1, Business Item No. 2018-72

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

Reviewer: Michael Peterka, Community Development – Regional Parks and Natural Resources (651-602-1438)

The Plan conforms to the *2040 Regional Parks Policy Plan (RPPP)* for the regional parks system element. There are two Regional Parks System components as identified in the RPPP within the Township, which are the Elko New Market-Blakeley-Doyle Kennefick Regional Trail Search Corridor and the Chub Creek Greenway Regional Trail Search Corridor (Figure 1). The alignment of these regional trails will be determined through a future master planning process led by Dakota County. The Chub Lake Wildlife Management Area, which is owned and operated by the Minnesota Department of Natural Resources, is also located in the Township. Although not part of the Regional Parks System, State recreational facilities are afforded protection through the 2040 RPPP.

Regional Transportation, Transit, and Aviation

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

The Plan conforms to the *2040 Transportation Policy Plan (TPP)*, adopted in 2015, for the roadways, transit, and aviation system elements and is consistent with policies for bicycling and walking, freight, and transportation analysis zones (TAZs). The Plan accurately incorporates and integrates transportation system components of the TPP. The Plan is consistent with Council policies regarding community roles, the needs of non-automotive transportation, and the needs of freight.

There are no principal arterials in the Township, although I-35 is located just to the west and serves local residents. County roads are primarily paved while most of the Township's roads are gravel, which is consistent with the rural nature of the surrounding land uses and low traffic volumes.

The Township is in the rural area outside the Transit Taxing District in Transit Market Area V, with no existing or planned regular route service, while Dial-A-Ride service is available. The Plan accurately notes that the Red Line BRT is being developed on Cedar Avenue (CSAH 23) and will terminate just north of the Township in Lakeville, serving as an important transportation option for residents.

The Plan includes policies that protect regional airspace from obstructions and describes how the Farmington VHF omnidirectional range (the "VOR") (an off-airport navigation aid) will be protected. The Plan accurately identifies Airlake Airport, located near the northern border of the Township (Figure 1), and addresses the key elements of Airlake Airport's 2007

long-term comprehensive plan. The Council reviewed the Airport's plan on March 12, 2018. Council staff will work with the Community on any technical issues that arise.

The Plan states that motor vehicles, bicycles, and pedestrians share roadways in the Township. Given the low volume of traffic in a rural community, this is appropriate. The Township does not have any existing or future elements for the Regional Bicycle Transportation Network (RBTN), but the Plan does discuss future trail corridors in the parks chapter.

Advisory Comments

There are a few minor corrections that should be made before the final draft is submitted to the Council. The Township is located in Transit Market Area V, but one paragraph states Market Area IV. Also, Dial-A-Ride service is provided by Metro Mobility and Transit Link and not DARTS.

Water Resources

Wastewater Service

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

The Plan conforms to the *2040 Water Resources Policy Plan (WRPP)* for the wastewater system element. The Plan represents the Township's guide for future growth and development through the year 2040. The Township is entirely provided wastewater through the use of individual, private subsurface treatment systems (SSTS). The Plan indicates continued wastewater services provided through the use of SSTS through 2040.

The Plan states that the Airlake Airport may be serviced by municipal water and sewer services in the future. To address the potential extension of municipal sewer service to the Airlake Airport, the Township would be required to seek a Joint Powers Agreement with the City of Lakeville or develop their own Comprehensive Sewer Plan showing service to the Airport. The Comprehensive Sewer Plan would need to be approved by the Metropolitan Council as an amendment to the Township's 2040 comprehensive plan before services could be extended to Airport property.

The Township's Plan neither proposes 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 Sewer Plan for approval.

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

Surface Water Management

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

The Plan is consistent with Council policy requirements and conforms with the Council's *2040 Water Resources Policy Plan (WRPP)* for local surface water management. The Plan satisfies the requirements for the 2040 comprehensive plan updates. The Township lies within the boundaries of the Vermillion River Joint Powers Organization (VRJPO). The VRJPO will continue to look for and develop surface water management projects with the Township, which is mostly agricultural and scattered rural residential, with support from the Dakota Soil and Water Conservation District (SWCD). The SWCD is currently performing a sub-watershed assessment on the upper main-stem of the Vermillion River, which is mostly within the Township, to identify future surface water management needs.

Advisory Comments

After the Township adopts its Local Surface Water Management Plan (LSWMP), the Township should forward a final copy of the LSWMP and adoption date to the Council for our records.

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

Forecast related material within the Plan is consistent with Council policy. The Plan consistently uses the Metropolitan Council forecasts for the Township as shown in the table below.

Table 1: Metropolitan Council Forecasts for Eureka Township

	Census	Council Forecasts		
	2010	2020	2030	2040
Population	1,426	1,450	1,570	1,670
Households	518	560	630	700
Employment	460	460	460	460

The Plan states that the Township’s buildout is estimated at around 725 households. The Council forecast of little to no employment growth is compatible with the Township’s land use plans. While some services are allowed with conditional use permits, the Township does not have existing or planned commercial-industrial zoning districts.

Thrive MSP 2040 and Land Use

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

The Plan is consistent with *Thrive MSP 2040* (Thrive) and its land use policies. Thrive designates the Township as Agricultural (Figure 2), directing them to limit residential development to maintain densities no greater than 1 unit per 40 acres in order to preserve long-term agricultural uses. The Plan aligns its policies and planned land uses to support continued agricultural uses in the community. As shown in Figure 4, the Plan limits residential development to maintain residential densities no greater than 1 housing unit per 40 acres. The Plan is also consistent with natural resource protection, resilience, and economic competitiveness.

The Township has mapped location of parcels enrolled in the Agricultural Preserves and Green Acres programs, both of which preserve prime agricultural land. The Future Land Use map, listed goals, and policy language guide the long-term land use in the Township to continue as Agriculture through 2040. All of the Township is included in the Agricultural Zoning District identified in its Zoning Ordinance. The agricultural zoning supports lower residential densities such as 1 housing unit per 80 acres.

The Plan includes goals, priorities, and natural resource conservation strategies that protect and enhance the natural resources identified in the Township.

The Township engages in a transfer program for residential development. The Plan details the practice of clustering that allows some flexibility in developing individual parcels. The program allows the transfer of some “development rights” from one parcel to another in the Township through private transfer. The program maintains the overall existing number of “development rights” and densities within the Township.

In addition, in 2011, the Township completed a Commercial/Industrial Land Use Study, in which Council staff participated. The study included a market study of the potential for commercial and industrial land uses in the Township. For Phase I, the Task Force for the study recommended that the Township should not move forward at that time with changes for commercial or industrial uses. The Plan indicates that the Township may consider moving forward with Phase II of the land use study during 2018-2028. Council staff looks forward to collaborating and facilitating in multiple technical areas as the Township moves forward.

Housing

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

The Plan is consistent with the Council's policies for housing. The Plan includes all the required data and sufficient analysis regarding its existing housing stock. While the Township has no allocation of affordable housing need for the 2021-2030 decade, future housing needs are described in the Plan. The Plan notes that the Township supports government partners that provide various types of affordable housing programs. The entire community is zoned agricultural with predominantly large-lot single family homes, and no regional sanitary sewer service exists or is planned before 2040.

Advisory Comments

The final adopted plan should use the updated Existing Housing Assessment and owner-occupied land values map provided in the Local Planning Handbook. The Township may wish to consider allowing accessory dwelling units as a way to provide more housing choices in the community.

Water Supply

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

The Plan is consistent with the Council's policy for water supply. The Township is not a public water supplier, but the Plan describes the Township's role in ensuring adequate drinking water is available to its residents. Council staff commends the Township for their thoughtfulness and commitment to protecting water sources for their community and neighbors.

Advisory Comments

The Council encourages the Plan to include additional information about Township policy to manage land use and land use permits to protect groundwater (page 6-9). For example, the community may consider reviewing some of the information provided by the Minnesota Department of Agriculture, including several fact sheets and resources for drinking water protection, on their website at www.mda.state.mn.us/protecting/waterprotection/drinkingwater.aspx

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 (SSTS). Metropolitan wastewater collection facilities are not available in the Township. An estimated total of 573 homes, commercial, and institutional land uses in the Township are served by SSTS. There are no community wastewater treatment systems currently in use in the Township, and there are no known non-conforming SSTS or systems with known problems in operation in the Township.

Township Ordinance 2010-3 establishes standards and permit requirements governing the installation, maintenance, and management of SSTS in the community. The Ordinance is administrated by the Township's Septic Inspector. The Township requires SSTS to conform to the requirements of Dakota

County's SSTS Ordinance 113 and Minnesota Pollution Control Agency Rules (Minnesota Rules Chapter 7080-7083), which are consistent with Council WRPP requirements.

Special Resource Protection

Solar Access Protection

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

The Plan is consistent with Council policy in regard to 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 addresses all of the required solar elements as well as resilience in energy infrastructure and resources.

Advisory Comments

The Council encourages the Township to identify specific areas on their solar resource map where the community would support the development of solar resources, as well as to describe strategies to implement the solar resource development.

Aggregate Resource Protection

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

The Plan identifies the location of known sand and gravel aggregate resource deposits in the Township, consistent with the Council's aggregate resources inventory information found in *Minnesota Geological Survey Information Circular 46*. Much of the Township area rich in aggregate resources is overlain on the surface by Natural Resource Corridors designated for protection and coincides with areas of the highest levels of groundwater sensitivity along the Vermillion River corridor. The Township utilizes its Mining Ordinance (Township Ordinance No. 6) to regulate extraction and provide mining safeguards and controls. Natural Resource and Land Use Goals and Policies presented in the Plan address and minimize land use conflicts with respect to aggregate resource extraction and required site restoration.

Historic Preservation

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

The Plan identifies historic sites including two churches and three cemeteries. Some of the properties participate in Dakota County's Farmland and Natural Areas program which helps protect agricultural and natural landscapes in the County.

Plan Implementation

Reviewer: Patrick Boylan, Community Development – 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 a stand-alone chapter.

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

The Township submitted its plans to adjacent and affected jurisdictions including local school districts. The Township did not receive any comments from those jurisdictions during the 6-month period

Documents Submitted for Review

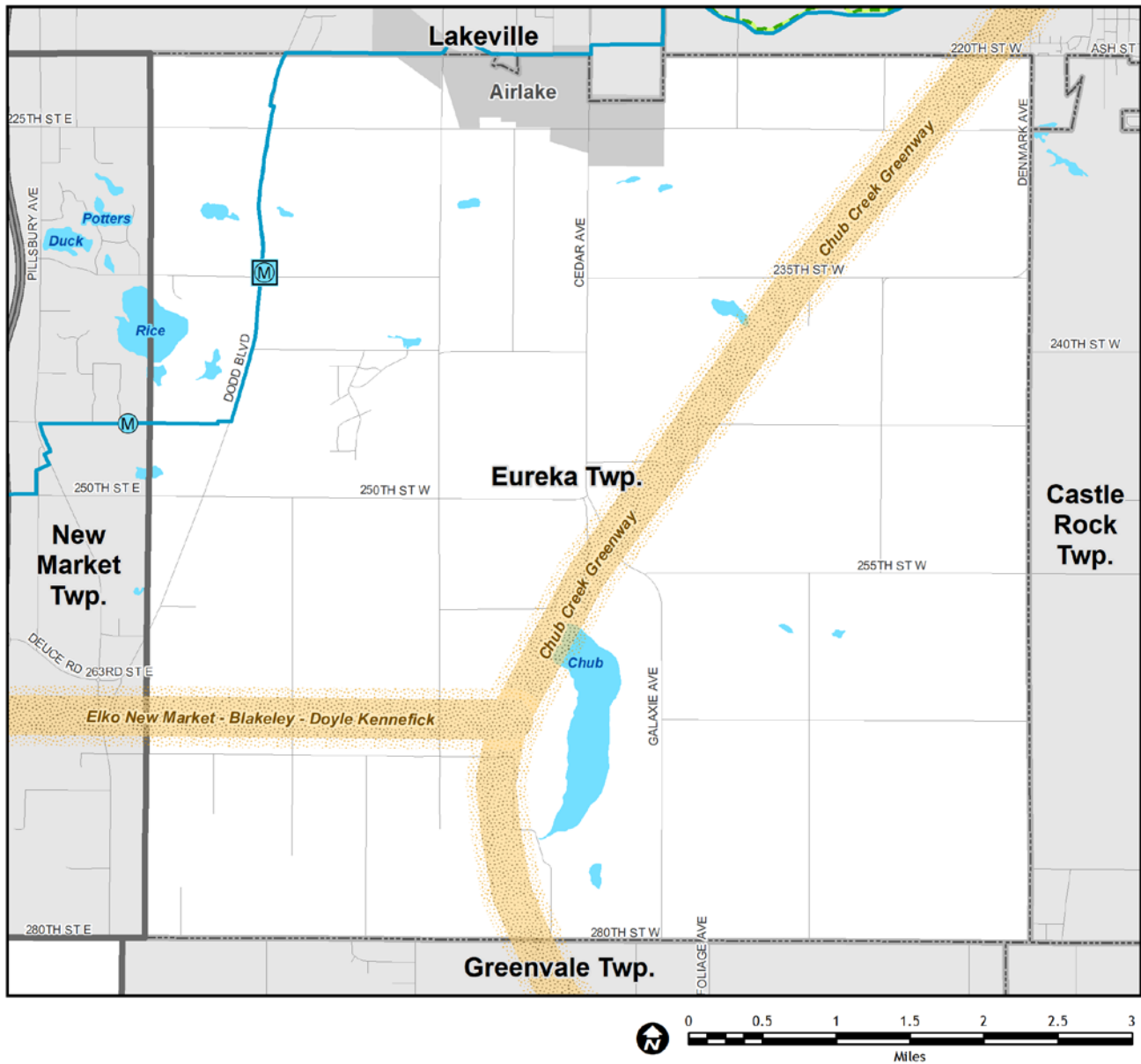
In response to the 2015 System Statement, the Township submitted the following documents for review:

- April 3, 2017: Eureka Township 2040 Preliminary Plan
- December 6, 2017: Eureka Township 2040 Comprehensive Plan
- February 6, 2018: Revisions to the transportation chapter

Attachments

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

- Park Reserves
- Regional Parks
- Special Recreation Features
- Existing Regional Trails
- Planned Regional Trails

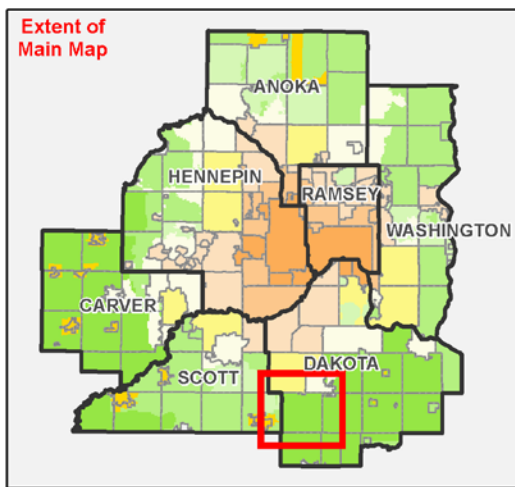
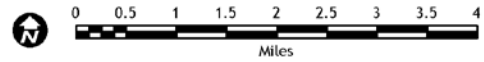
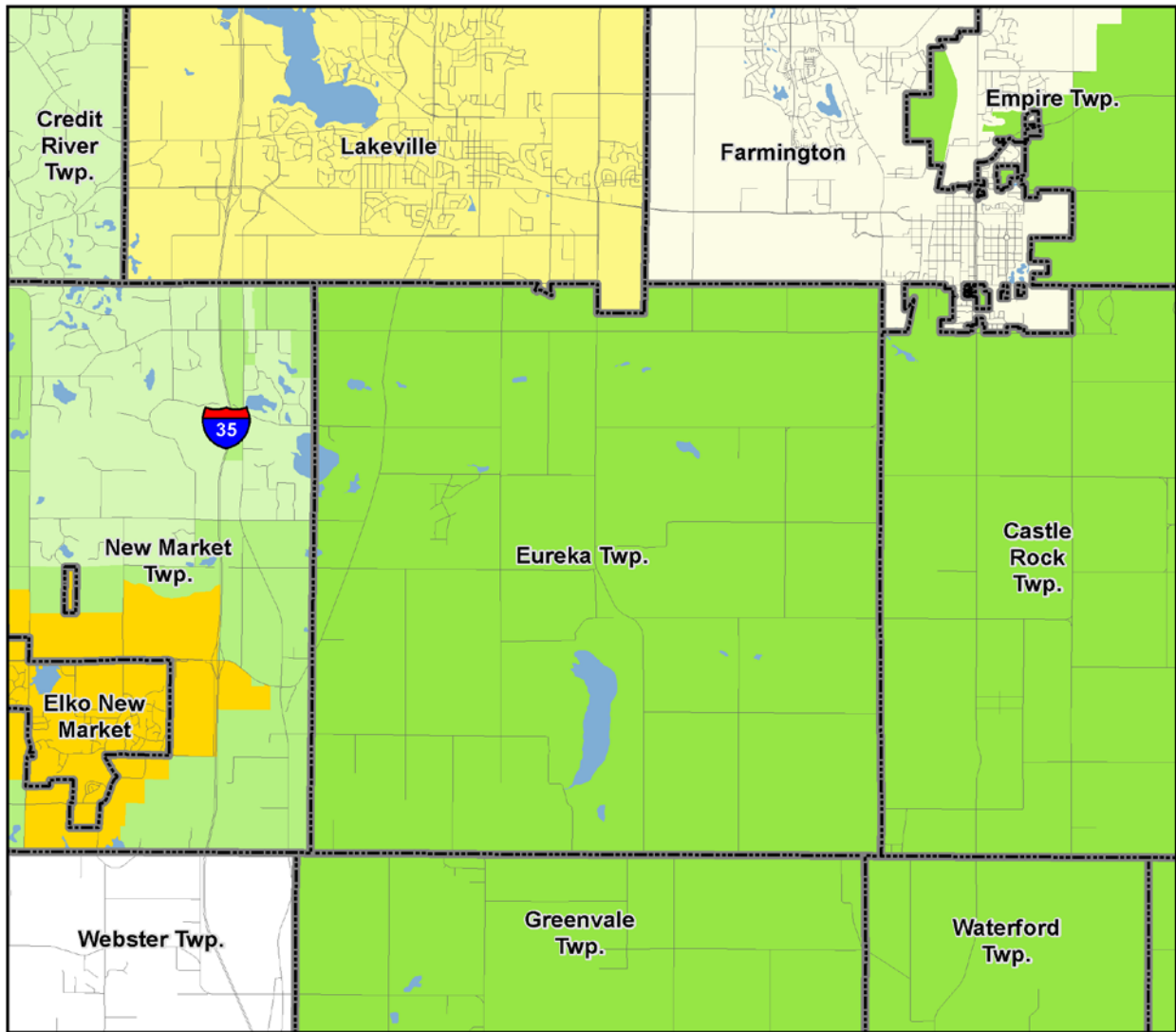
Wastewater Treatment

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

Regional Park Search Areas and Regional Trail Search Corridors

- Boundary Adjustments
- Search Areas
- Regional Trail Search Corridors
- Regional Trails - 2040 System Additions

Figure 2. Thrive MSP 2040 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. Existing Land Use

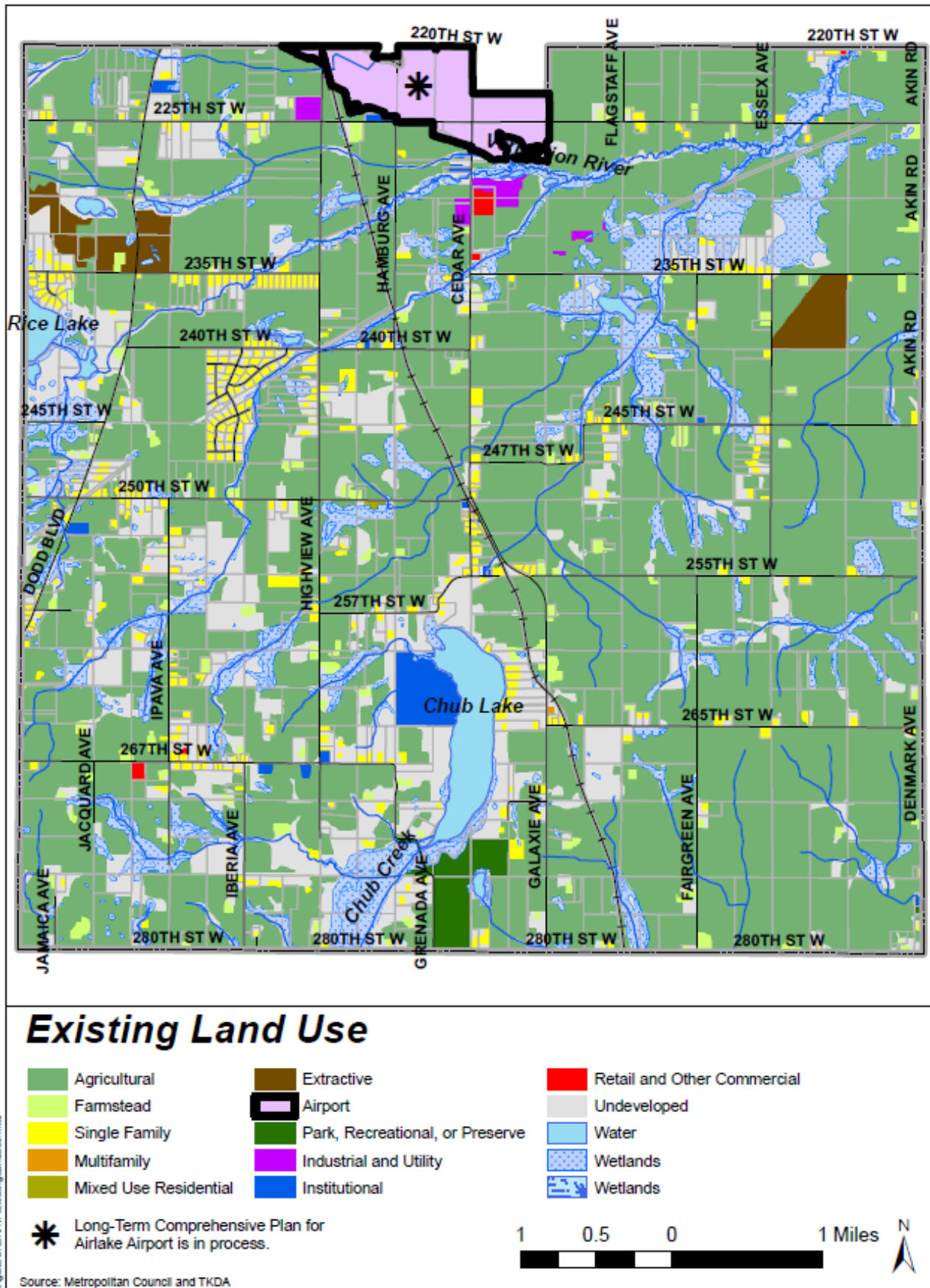
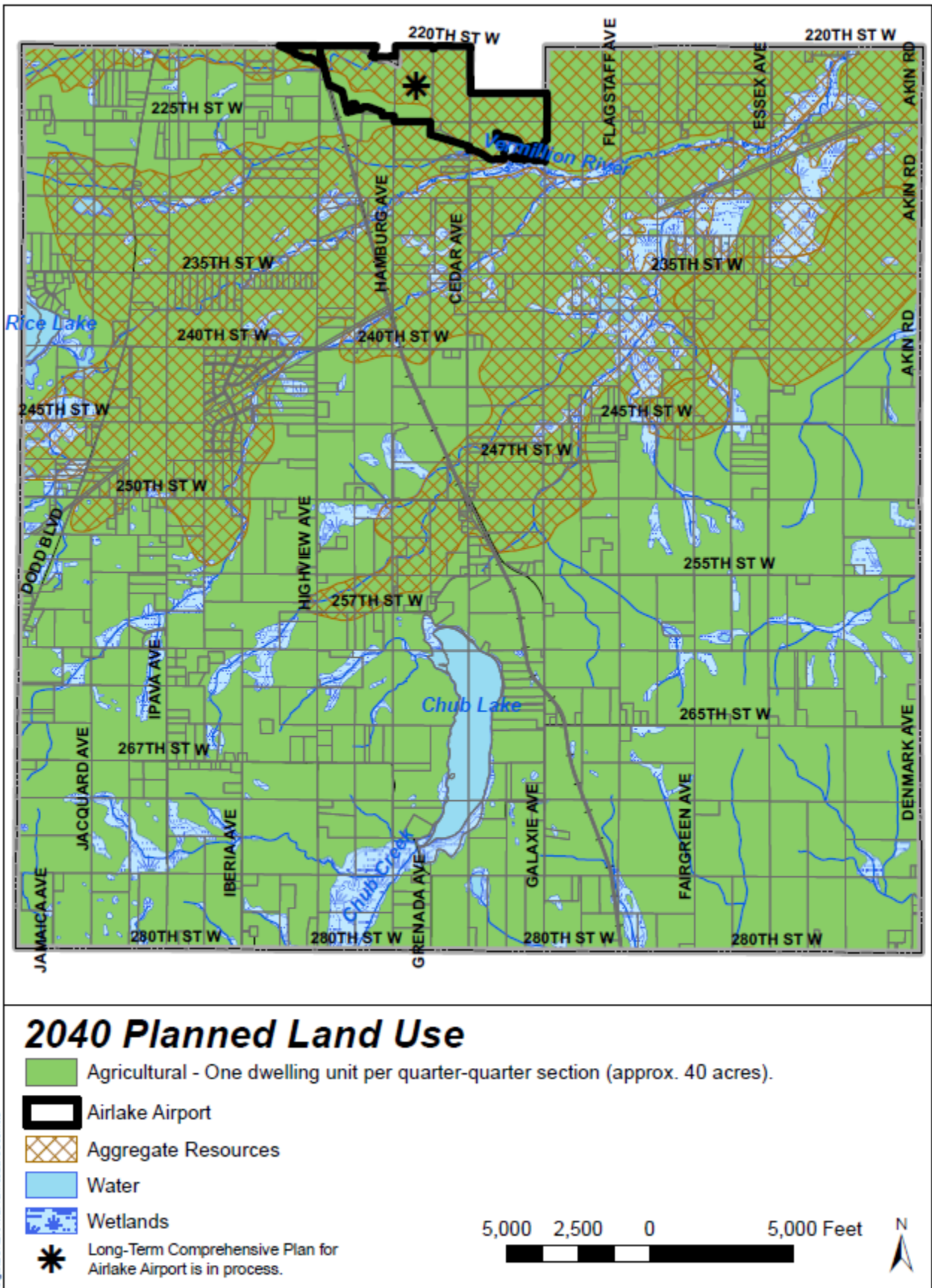


Figure 4. 2040 Planned Land Use



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