

## Community Development Committee

Meeting date: April 15, 2019

For the Metropolitan Council meeting of April 24, 2019

**Subject:** Dakota County 2040 Comprehensive Plan, Review File 21927-1

**District(s), Member(s):** District 13, Chai Lee; District 15, Philip Sterner; District 16, Wendy Wulff

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

**Staff Prepared/Presented:** Patrick Boylan, AICP, Planning Analyst (651-602-1438)  
Angela R. Torres, AICP, Local Planning Assistance Manager (651-602-1566)

### 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 Dakota County to place its 2040 Comprehensive Plan into effect.
2. Advise the County to adopt the Mississippi River Corridor Critical Area component of their 2040 Comprehensive Plan within 60 days after receiving final approval from the Minnesota Department of Natural Resources (DNR); and submit a copy of the final adopted plan and evidence of adoption to the DNR, Council, and National Park Service within ten days after the adoption.

### Summary of Committee Discussion/Questions

#### *Community Development Committee*

Angela R. Torres, Manager of Local Planning Assistance presented the staff's report to the Committee. Dakota County staff representative, Mary Jackson, was in attendance.

Council Member Lee asked about the transfer of land use planning authority from the County back to the Township and if there was an appeal process. Torres explained that the relationship is between the County and Township. Typically, if the Township requests that planning authority revert back to the Township, the County cedes their authority to the Township through an agreement as was the case with Credit River Township and Scott County.

The Community Development Committee unanimously recommended approval of the proposed action with no further questions or discussion at its meeting on April 15, 2019.

## *Advisory Comments*

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

### **Community Development Committee**

1. As stated in the *Local Planning Handbook*, the County 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 County 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

Dakota County is located in the southern part of the 7-county metropolitan area. Within the seven-county area, it is surrounded by Ramsey County, Washington County, Scott County, and Hennepin County.

The County 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

Dakota County 2040 Comprehensive Plan

Review File No. 21927-1, Business Item No. 2019-80

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 County'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). The Plan appropriately acknowledges the many components of the existing, planned, and proposed Regional Park System in the County, as well as the federal, state, and local components of the outdoor recreation system. The existing regional parks include Lake Byllesby, Lebanon Hills, Lilydale-Harriet Island & Cherokee Heights, and Whitetail Woods. The existing park reserves include Miesville Ravine, Murphy-Hanrehan, and Spring Lake (Figure 1).

The existing and planned regional trails include Big Rivers, Lake Marion Greenway, Mendota-Lebanon Hills Greenway, Minnesota River Greenway, Mississippi River, North Creek Greenway, River to River (North Urban), Rosemount Greenway, and Vermillion Highlands Greenway. The regional trail search corridors include Chub Creek Greenway, Elko New Market-Blakeley-Doyle Kennefick, Lebanon Hills-Big Rivers, Lebanon Hills-Lake Marion, Lebanon Hills-Mississippi, Mississippi River, and Vermillion River Greenway. The County is also the implementing agency for regional parks and trails in their jurisdiction.

### *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 TPP (Figure 1). 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 County's Plan accurately accounts for the metropolitan highway system of principal arterials.

The Plan identifies a proposed new or improved interchange at I-494 at Argenta Trail that has been reviewed and approved by the MnDOT/Metropolitan Council joint interchange committee but has not yet been funded and therefore is not identified in the Current Revenue Scenario of the TPP. However, the County's Plan does acknowledge that this interchange is not currently funded for construction prior to 2040.

The County's 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 County'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.

## **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 County is within Transit Market Area(s) II, II (emerging), III, IV, V, with a freestanding town center in Hastings.

The Plan incorporates existing and future transitways that are part of the Current Revenue Scenario in the TPP. These include the Cedar Avenue Transitway, the I-35W Transitway, the Robert Street Transitway, and the Red Rock Transitway. For transitways that are in service or in advanced stages of planning, the Plan incorporates guiding land use for station areas that meet the minimum density targets of the TPP.

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(s), as well as the opportunities and challenges related to its Transit Market Areas. The Plan strengthens the existing transit system and lays the groundwork for improved transit services.

## **Aviation**

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

The Plan identifies the Airlake and South St. Paul Municipal Airports and addresses elements of their long-term comprehensive plans. The Plan addresses issues including land use compatibility, noise sensitivity, and the protection of airspace from obstructions. The Plan addresses the noise effects of the Minneapolis-St. Paul Airport on the County.

## **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 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 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 County, including accessibility to freight terminals and facilities. These specific needs include expansion of the 10-ton road network and addressing the low clearance railroad bridge in Castle Rock Township on CSAH 86.

## **Transportation Analysis Zones (TAZs)**

The Plan conforms to the TPP regarding TAZ allocations. The County's TAZ allocations for employment, households, and population appropriately sum to the Metropolitan Council's city-wide forecast totals for all forecast years. The Plan indicates that the full Dakota County Transportation Plan is scheduled to be updated in 2019 to reflect land use changes and development in the cities' 2040 Comprehensive Plans, and will include updated TAZ data and the County transportation model forecasts. In the interim, Staff note that TAZ allocations are located in Appendix C, table C.1.

## *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)* and includes a Wastewater Plan Element that describes its requirements and authority over local Sub Surface Treatment Systems (SSTS).

As further described below, each city and township within Dakota County administers its own SSTS ordinance. The County administers the SSTS ordinance within the Shoreland and Floodplain areas of the townships; the cities of Randolph and New Trier; and throughout Randolph and Waterford townships.

Dakota County does not have any jurisdictional control over centralized wastewater collection or treatment issues; therefore, the County is not required to submit a Comprehensive Sewer Plan.

### **Surface Water Management**

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

The Plan is consistent with Thrive policies for surface water management. The Plan integrates activities, strategies, and goals and policies related to the protection of water resources within the County. While the County is not mandated to prepare a Local Water Management Plan, they do have a significant role in water management within the County. A few examples of their roles include enforcement over activities in the floodplain and shoreland areas, their partnership with others to protect wetlands and serve as technical advisors for wetland issues, their role in monitoring the water quality of lakes and streams within the County, and their role in the Vermillion River Joint Powers Board.

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

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

The County regulates approximately 984 individual SSTS within Randolph and Waterford Townships, the Cities of Randolph and New Trier, and all SSTS constructed within the Shoreland and Floodplain areas in the remaining townships within the County. All other cities and townships with the County administer their own on-site wastewater system ordinances. The County maintains a county-wide SSTS maintenance record database to ensure all systems adhere to a required three-year maintenance schedule cycle. There are no public or privately-owned Community Wastewater Treatment Facilities within the four communities where the County maintains SSTS oversight. The Cities of Vermillion and Hampton each own and operate municipal wastewater treatment facilities within their communities.

County SSTS Ordinance No. 113 and Shoreland and Floodplain Ordinance No. 50 adopt Minnesota Pollution Control Agency (MPCA) Chapter 7080-7083 SSTS Rules by reference. Ordinance No. 113 provides standards, guidelines, and regulations for the compliance and enforcement of the proper siting, design, construction, installation, operation, maintenance, repair, reconstruction, inspection, and permanent abandonment of SSTS. The County's program is consistent with MPCA Rules and Council *2040 Water Resources Policy Plan* requirements.

### **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 County'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)

### Metropolitan Council Forecast: Dakota County

	Census	Estimated	Council Forecasts		
	2010	2017	2020	2030	2040
Population	398,552	422,580	436,570	475,370	514,650
Households	152,060	162,422	171,240	188,220	204,950
Employment	170,235	189,945	203,030	219,360	235,800

The forecast-related content in the Plan is consistent with regional policies.

## Thrive MSP 2040 and Land Use

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

The Plan is consistent with *Thrive MSP 2040* (Thrive) and its land use policies. Thrive designates the County as six different community designations including: Urban Center, Suburban, Suburban Edge, Emerging Suburban Edge, Rural Center, Diversified Rural, and Agricultural (see Figure 2). Thrive directs communities to accommodate forecasted growth at varying levels of overall residential densities for development and redevelopment. The County does not have any authority over land uses within the cities or townships of Dakota County.

## Housing

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

The Plan is consistent with the *2040 Housing Policy Plan*. Planning for housing needs is the responsibility of the cities and townships within the County, and thus the County does not have an allocation of affordable housing need. Expecting a booming older adult population in the next few decades, the Plan identifies housing needs around an aging population as a key issue and acknowledges that the current housing stock for aging and older adults may not accommodate the future physical limitations and health needs if this population wishes to age in place.

The Plan references the Dakota County Community Development Authority's (Dakota County CDA) Consolidated Plan which provides direction for affordable housing efforts. The Dakota County CDA provides programs that increase affordable housing choices for low- and moderate-income households, supports neighborhood revitalization efforts, and supports the development of workforce housing. Dakota County CDA work includes a homeowner rehabilitation program, a first time homebuyer program, rapid rehousing assistance, and new construction of affordable housing.

Council staff encourage Dakota County to continue to engage with local communities to ensure that County resources are being used to address housing needs as effectively as possible.

## Water Supply

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

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.

Because Dakota County is not a public water supplier, the County does not need to include local water supply plans as part of the County's 2040 comprehensive plan. However, the updated comprehensive

plan should and does include information about water sources, including plans to protect private water supplies, in appropriate sections of the comprehensive plan (specifically Chapter 5).

## *Special Resource Protection*

### **Mississippi River Corridor Critical Area**

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

The Plan includes a Mississippi River Corridor Critical Area Plan (MRCCA Plan) element that was reviewed by Minnesota Department of Natural Resources (DNR) staff and found to be substantially consistent with Minnesota Statutes Chapter 116G and Minnesota Rules Chapter 6106. Council staff also find the MRCCA Plan element to be consistent with *Thrive MSP 2040* land use policies and Minnesota Rules Chapter 6106. The DNR's January 2, 2019, conditional approval letter is attached (Figure 3). Final DNR approval of the MRCCA Plan will be sent to the County after the Council authorizes the County to put the final comprehensive plan into effect.

### *Advisory Comments*

Within 60 days after receiving DNR final approval, the County 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 all required solar energy system planning elements.

### **Aggregate Resource Protection**

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

The Plan identifies, consistent with the Council's aggregate resources inventory information contained in Minnesota Geological Survey Information Circular 46, the presence of a large share of the Metropolitan Area's aggregate resource reserves within Dakota County. The Plan contains policies and objectives to assist the cities and townships within the County to conserve and protect the aggregate resources and responsibly plan for their utilization prior to urbanization.

### **Historic Preservation**

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

The Plan contains a section on Historic Preservation and has goals for protection in the Plan's goals, as required by the Metropolitan Land Planning Act. The Plan also provides details on the Dakota County Historical Society and links to the Historical Society's web page. The Plan details goals and policies related to historic preservation, which include partnering with organizations that want to preserve historically significant areas in the County.

## *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 SSTS Code, and Housing Implementation. The County does not have zoning or subdivision authority, and therefore the Plan does not include a zoning or subdivision codes.

The Plan, with supplemental materials, describes the official controls and fiscal devices that the County will employ to implement the Plan. The implementation chapter contains specific processes, summaries for transportation, parks, and land conservation.



## 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

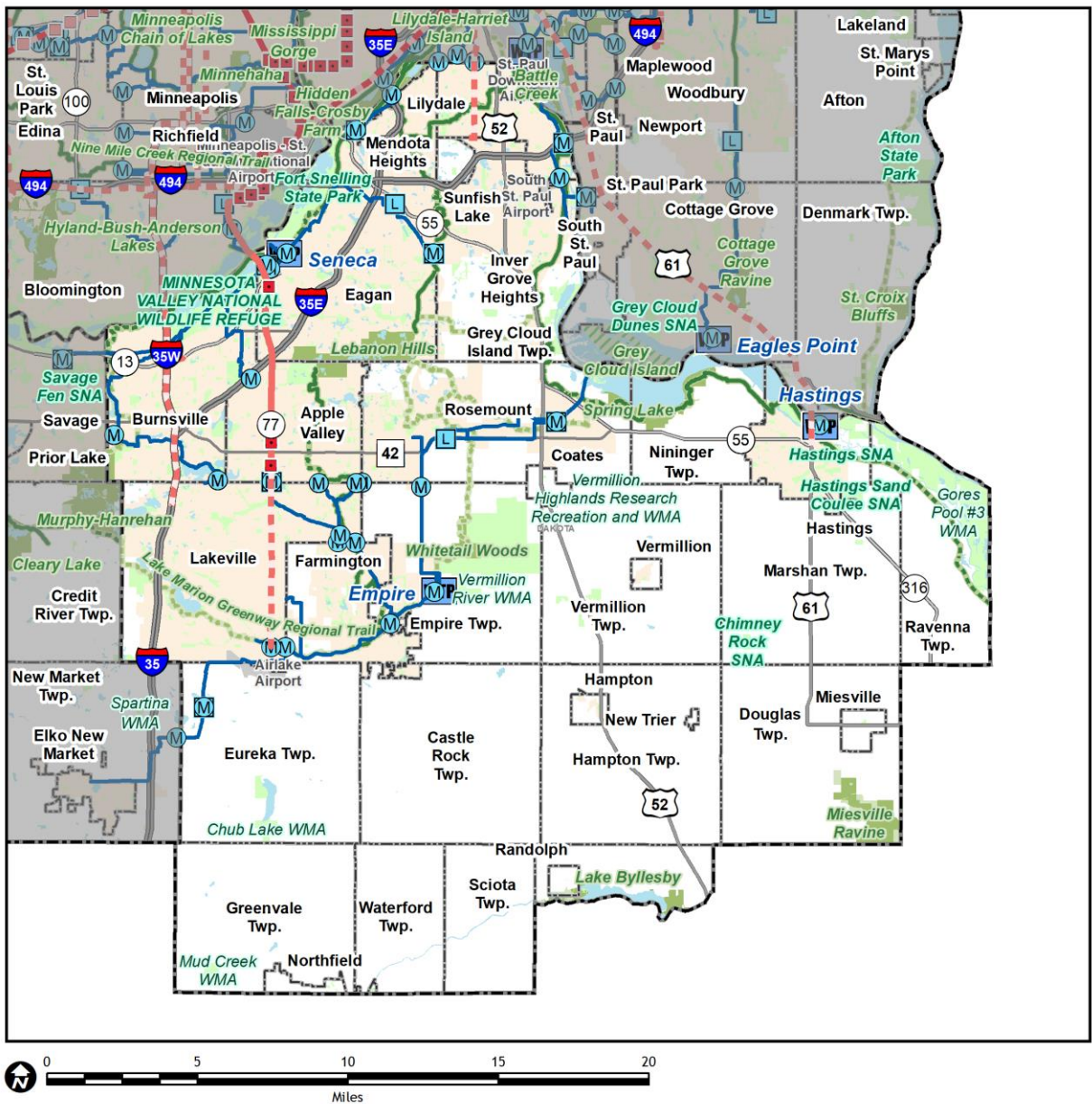
In response to the 2015 System Statement, the County submitted the following documents for review:

- December 12, 2018: Dakota County 2040 Preliminary Plan received
- January 2, 2019: Correspondence received from the DNR
- February 19, 2019: Supplemental data received for parks, transportation, and revisions to the housing plan

## Attachments

- Figure 1: Location Map with Regional Systems  
Figure 2: *Thrive MSP 2040* Community Designations  
Figure 3: MRCCA Plan response from the DNR

Figure 1. Location Map with Regional Systems



**Regional Systems**

**Transportation**

**Transitways**

- Existing Fixed Guideway Alignments
- Existing Bus Rapid Transitways
- - - Planned Fixed Guideway Transitways
- - - Planned Bus Rapid Transitways
- Existing Fixed Guideway & BRT Stations
- Planned Fixed Guideway Stations

**Regional Highway System**

- Interstates
- US Highways
- State Highways
- County Roads

**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

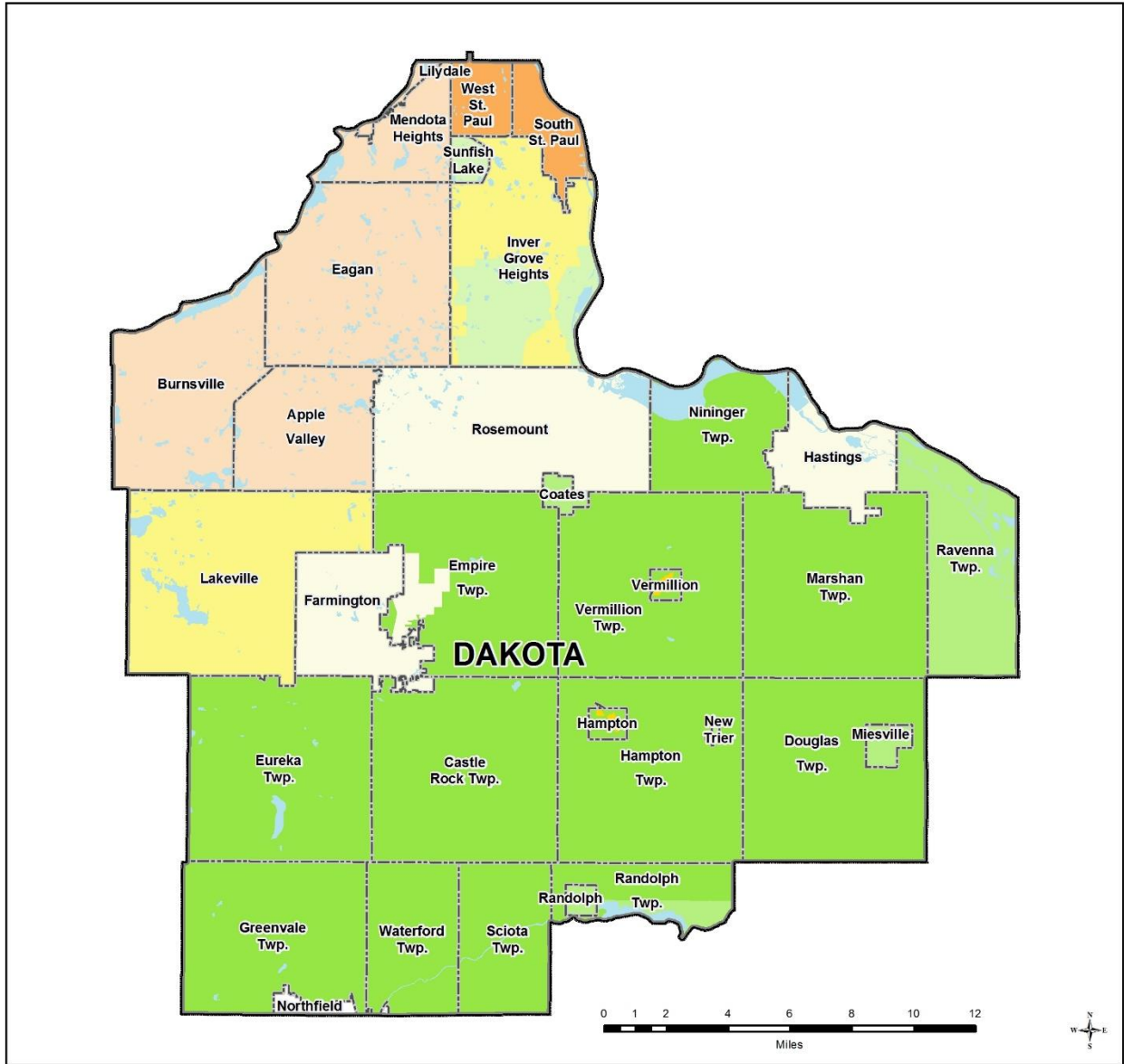
- Other Parks, Preserves, Refuges and Natural Areas
- Existing State Trails

**Wastewater**

- M Meters
- L Lift Stations
- MCES Interceptors
- WTP MCES Treatment Plants
- Airports
- Ncompass Street Centerlines
- 2040 Metropolitan Urban Service Area

Figure 2. Thrive MSP 2040 Community Designations

**Community Designations  
Dakota County**



**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 3. MRCCA Plan response from MN DNR



January 2, 2018

Mary Jackson  
Dakota County Office of Planning  
14955 Galaxie Avenue  
Apple Valley, MN 55124

**Re: Conditional Approval of Dakota County MRCCA Plan**

Dear Ms. Jackson:

I am pleased to inform you that the Minnesota Department of Natural Resources (DNR) conditionally approves the Dakota County Mississippi River Corridor Critical Area (MRCCA) Plan.

We reviewed the MRCCA plan chapter of your 2040 comprehensive plan submitted to the Metropolitan Council on December 12, 2018. 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 Dakota County to put the comprehensive plan into effect. Within 60 days of receiving DNR final approval, Dakota County must adopt the MRCCA plan. Dakota County 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](mailto:matthew.bauman@state.mn.us) if you have any questions about next steps.

Sincerely,

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

Jenny Shillcox  
Land Use Unit Supervisor

- c: Raya Esmaeili, Metropolitan Council
- Rory Stierler, National Park Service
- Jennie Skancke, 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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