

Committee Report

Business Item No. 2020-1

Community Development Committee

Meeting of January 6, 2020

For the Metropolitan Council meeting of January 22, 2020

Subject: City of Oak Grove 2040 Comprehensive Plan and Comprehensive Sewer Plan, Review File 22040-1

Proposed Action

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

1. Authorize the City of Oak Grove to place its 2040 Comprehensive Plan into effect.
2. Revise the Community Designation for the southeastern portion of the City to Rural Residential, as shown in Figure 3, in accordance with the Special Law from the first Special Session, [section 126, article 3 of the 2017 session laws \(first special session\)](#).
3. Advise the City to implement the advisory comments in the Review Record for wastewater, surface water management, land use, and water supply.

Summary of Committee Discussion/Questions

Community Development Committee

Senior Planner Eric Wojchik presented the staff's report to the Committee. No City staff or representatives were in attendance. The Community Development Committee unanimously recommended approval of the proposed action at its meeting on January 6, 2020.

Community Development Committee

Meeting date: January 6, 2020

For the Metropolitan Council meeting of January 22, 2020

Subject: City of Oak Grove 2040 Comprehensive Plan, Review File 22040-1

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

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

Staff Prepared/Presented: Eric Wojchik, Senior Planner (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:

4. Authorize the City of Oak Grove to place its 2040 Comprehensive Plan into effect.
5. Revise the Community Designation for the southeastern portion of the City to Rural Residential, as shown in Figure 3, in accordance with the Special Law from the first Special Session, [section 126, article 3 of the 2017 session laws \(first special session\)](#).
6. Advise the City to implement the advisory comments in the Review Record for wastewater, surface water management, land use, and water supply.

Advisory Comments

The following Advisory Comments are part of the Council action authorizing the City of Oak Grove 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 Oak Grove is located in the northern portion of Anoka County. It is surrounded by the communities of St. Francis, East Bethel, Ham Lake, Andover, Ramsey, and Nowthen.

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.

In 2015, the Council issued system statements to all communities in the region required 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. As allowed under Minn. Stat. § 473.857, subd. 1, to dispute the contents of their system statement, the City requested a hearing by an Administrative Law Judge (ALJ). The City requested to change their community designation of Diversified Rural to Rural Residential for the southeast portion of their community near the East Bethel wastewater treatment plant. As part of the hearing, the City indicated a preference to keep this area of their City unsewered and with lower residential densities than the eventual sewer development would permit. The Diversified Rural community designation requires communities to hold densities at no greater than 4 units per 40 acres, but the City wished to allow for higher rural densities, with lots as small as 2 and 2.5 acres. This area of Oak Grove is within the Council's Long Term Wastewater Service Area (LTWSA) and part of the *2040 Water Resources Policy Plan*.

The ALJ issued a decision in favor of the Metropolitan Council on May 10, 2016 ([OAH 5-2106-33226](#)). The Council adopted the ALJ's findings, conclusions, and recommendations, denying the City's proposed amendments to their system statement (Resolution 2016-13, [Business Item 2016-116](#)).

The City then pursued special legislation to overcome the ALJ decision, and in the 2017 legislative session, the Special Law (from the first Special Session, [section 126, article 3 of the 2017 session laws \(first special session\)](#)) provides that "the area of the City subject to the ALJ's decision is designated as rural residential for the purposes of the City's 2040 Plan." The special law stated that "the Metropolitan Council shall conform its metropolitan development guide, system plans, and the City's system statement to accommodate this directive." The City satisfied the local certification requirements for special laws by adopting a local resolution on December 11, 2017. This Plan review reflects the requirements of the Special Law. The subject area in the southeastern portion of the City is shown on Figure 3 of this report as Rural Residential Community Designation, as opposed to the Diversified Rural Community Designation that was 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
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 Oak Grove 2040 Comprehensive Plan

Review File No. 22040-1, Business Item No. 2020-1

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 (RPPP). Anoka County is the Park implementing agency for the Regional Parks System components in the City of Oak Grove, for which the Plan accurately describes the Regional Parks System components. Regional Parks, Park Reserves, or Special Recreation Features located within the City include Lake George and Rum River Central regional parks. Regional Trails located within the City include the North Anoka County Regional Trail Search Corridor. The Plan also appropriately acknowledges State recreation lands within the City, including the Robert and Marilyn Burman 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) adopted in 2015. 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.

The Plan identifies all the required characteristics of the City'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.

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 community 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.

Bicycle and Walking

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

Freight

The Plan is consistent with Freight policies of the TPP. The Plan identifies the needs of freight movement in and through the City, including accessibility to freight terminals and facilities.

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 Council's city-wide forecast totals for all forecast years.

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 provided wastewater services through two state permitted public communal wastewater treatment systems that serves two developments within the City, and individual Subsurface Treatment Systems or SSTS'.

The Plan states that "The Ponds" wastewater treatment facility will be decommissioned and the development, located in the northern area of the City, will be provided service through a future connection to the City of St. Francis' wastewater system (Plan page A-22). The Plan does not show the means nor the timing of this connection to the St. Francis system. Also, the St. Francis Plan (Business Item 2019-352) does not identify this connection from Oak Grove in their Plan.

The Plan indicates that the rest of the City will continue to be provided wastewater services through the other communal system and SSTS's through 2040.

The Plan does not propose nor anticipates requesting connection to the Regional Wastewater Disposal system in the future and will continue to rely on SSTSs for new development.

Advisory Comments

The wastewater improvements that will be required to connect to the St. Francis system will require a Sanitary Sewer Extension Permit (SSEP) from the Minnesota Pollution Control Agency (MPCA), that will first need to be reviewed by the Council for consistency with both communities wastewater plans. Therefore, both communities will need to amend their plans to officially reflect this intercommunity service *before* the Council can recommend approval of the SSEP to the MPCA.

Surface Water Management

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

The Plan is consistent with Council policy requirements and conforms to the WRPP for local surface water management. Oak Grove 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 May 17, 2019. Council Water Resources staff reviewed and commented on the draft LWMP to the City and WMO on June 25, 2019. The Plan includes the City's July 2019 draft LWMP in Appendix D.

Advisory Comments

When available, we request that the City provide to the Council the date the WMO approved the final LWMP, the date the City adopted the final LWMP, and a copy of the final adopted LWMP if it differs from the July 2019 version submitted in the draft Plan on September 19, 2019.

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 (Plan page 1.6 and page 4.2). For reference, Metropolitan Council's forecast is shown in Table 1 below.

Table 1. City of Oak Grove Forecasts

	Census	Estimated	Council Forecasts		
	2010	2017	2020	2030	2040
Population	8,031	8,582	8,600	9,500	10,400
Households	2,744	2,938	3,100	3,600	4,100
Employment	741	900	920	980	1,000

The City indicates 251 homes are served by Oak Grove community sewage treatment. That number is planned to remain unchanged (Plan page A-22). The Council will adjust its online community profile to reflect the 251 sewer-served households in each year 2020, 2030, and 2040. There is no plan for MCES to provide service.

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 *Thrive* community designation of Rural Residential as discussed in the Background section of this report (Figure 3).

Rural Residential

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 Oak Grove are predominately agricultural and undeveloped land (66%), with the second largest use being residential (22%). Most of the existing commercial/office (1%) and

industrial (1%) uses are located near transportation corridors in the community. Approximately 11% of the City is parks/open space (Figure 4).

The Plan is consistent with Thrive for land use and residential density policies for a Rural Residential community designation. Within the Plan, the City guides Rural Residential land at a development density of 1 unit per 2.5 acres.

The Plan identifies natural resources in the City, along with goals and policies for the protection of these resources. It also indicates that the use of conservation design is strongly encouraged in rural areas with significant natural habitat and resources.

Based on the City's historic development pattern and previous comprehensive plan approvals, as well as the designation of the Special Law, the Plan is consistent with Council land use policies. Due to the Rural Residential designation, regional wastewater service is not contemplated for the City of Oak Grove in this planning period. The Plan indicates that the Rural Residential land use category is intended to maintain the existing rural development pattern established in previous comprehensive planning efforts. The Rural Residential area has a maximum density of one unit per 2.5 acres; however, properties are required to maintain enough buildable land to accommodate the construction of permitted structures, including primary and secondary septic systems or community systems in the case of cluster housing.

The Plan discusses the Council's Flexible Development Guidelines and indicates that clustering of development is encouraged to preserve existing natural resources.

Agricultural Preserves

The Plan identifies lands that are enrolled in the Agricultural Preserves Program on the Future Land Use Map (Figure 5). The Plan indicates that this designation is intended to maintain productive farm operations at a maximum residential density of 1 unit per 40 gross acres consistent with the intent of and rules outlined in the Metropolitan Agricultural Preserves Act (Minn. Stat. Chap. 473H).

The Plan states that this designation is made available to property owners that are currently enrolled in the Agricultural Preserves Program and committed to preserving their property's long-term agricultural use. The Plan also states that when parcels expire from the program, the Plan will be amended to no longer show them as Agricultural Preserve parcels. The Plan also indicates that if any of these properties are removed from the program pursuant to the required statutory process, the Rural Residential guiding would apply.

Advisory Comments

To support the intent of the Agricultural Preserves Program, the Council encourages the City to consider allowing eligible agricultural parcels to enroll and re-enroll in the Agricultural Preserves Program in the remainder of the community given the fact that urban services are not planned to be provided.

Housing

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

The Plan is consistent with the *2040 Housing Policy Plan*. As of 2016, the City currently has more than 3,000 homes including nearly 70 multifamily units and nearly 3,000 single-family homes. About 110 homes are rented. More than 1,600 housing units are currently affordable to households earning under 80% of Area Median Income (AMI); however, more than 200 households earning 80% of AMI or below are paying more than 30% of their income toward housing costs. There are 7 units affordable to households with income at or below 30% AMI and more than 79 cost burdened households with incomes at or below 30% AMI. The City does not currently have any publicly subsidized housing.

The Plan identifies existing housing needs including character, market needs, and quality. The City chose not to identify any needs related to the existing housing assessment summarized in the paragraph above and included on page Appendix A-15 of the Plan.

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

The City plans to maintain their ability to refer residents to housing programs and maintain a fair housing policy. The housing implementation plan component of the Plan describes that the City should partner with the Twin Rivers Community Land Trust that serves all of Anoka County, but also states that the City does not plan on using this tool for the duration of the Plan. The Plan also indicates that the City will use land development regulations to fulfill their goals and meet their identified housing needs.

Water Supply

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

The Plan is consistent with the 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 prepared a Local Water Supply Plan in 2018 that was submitted to both the Minnesota Department of Natural Resources and Metropolitan Council, and reviewed under separate cover.

The Council's review of water supply-related content reflects the expectations shared with communities in their system statements and the water supply-related policies in the WRPP.

Advisory Comments

If changes are made to this water supply plan resulting from DNR's review of the plan or from changes during the full comprehensive plan update review process, such as changes to forecasts, the City will need to provide the Council and DNR with the updated information.

Community and Subsurface Sewage Treatment Systems (SSTS)

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

The Plan indicates there are two community drainfield facilities operating in the City – one along the north-central boundary of the City and the other serving homes located along the west and northeast boundary of Lake George. The remaining 3,053 households and business in the City are served by individual Subsurface Sewage Treatment Systems (SSTS). City SSTS Code Chapter 8 Section 8-2 is consistent with Minnesota Pollution Control Agency Chapter 7080-7083 Rules and Council 2040 *Water Resources Policy Plan* 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 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 *Minnesota Geological Survey Information Circular 46*, that there are no viable aggregate resource deposits available for extraction within the City.

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. The Plan includes commitments to ensure historic building and site preservation in Section 4.8, Natural and Special Resources, of the Plan.

Plan Implementation

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

The Implementation Chapter of the Plan, Chapter 5, 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.

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

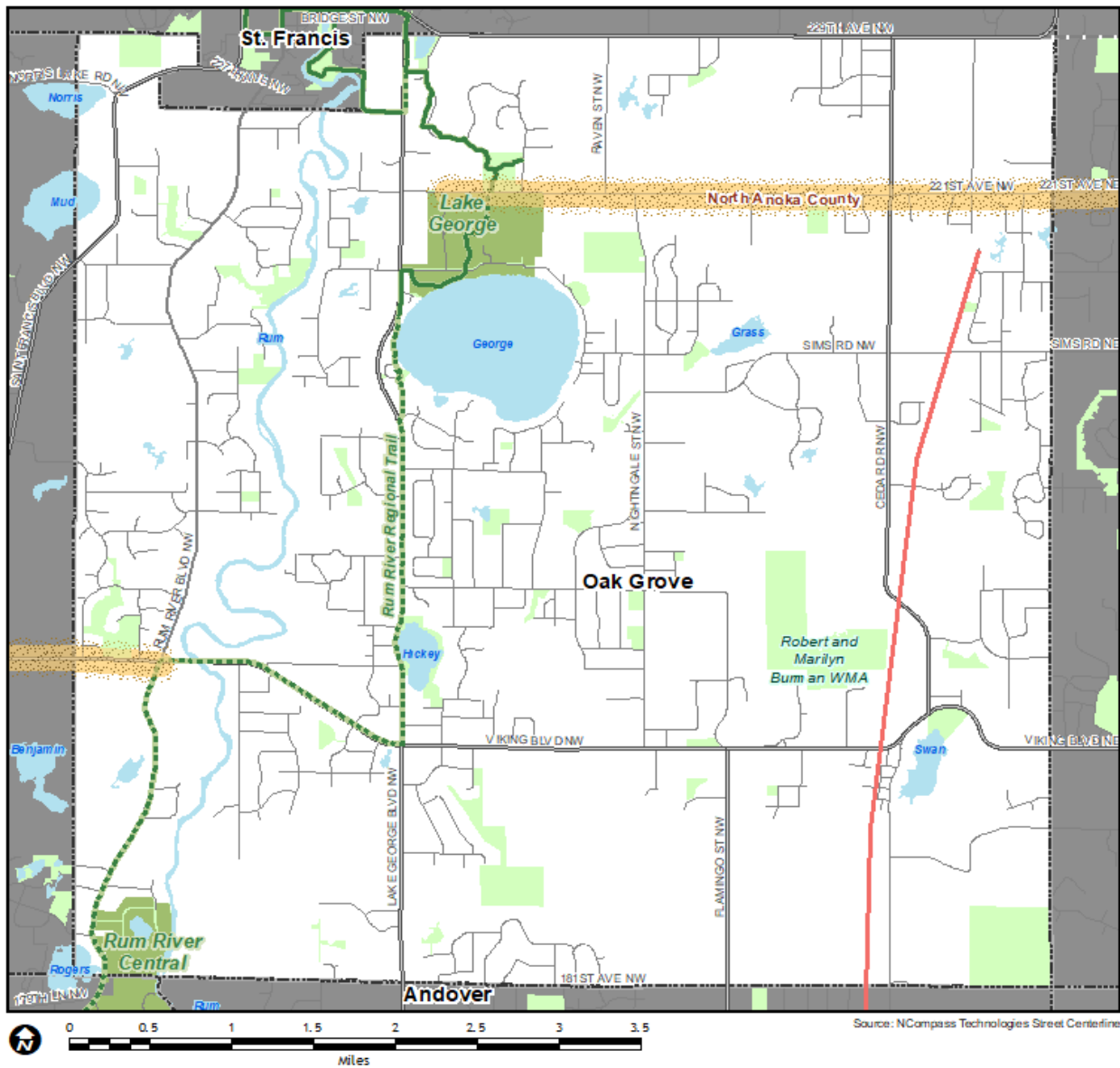
In response to the 2015 System Statement, and in accordance with Special Law from the first Special Session, [section 126, article 3 of the 2017 session laws \(first special session\)](#), the City submitted the following documents for review:

- August 14, 2018: Oak Grove Preliminary 2040 Comprehensive Plan
- December 6, 2018: Oak Grove 2040 Comprehensive Plan
- March 27, 2019: Revised 2040 Comprehensive Plan Responding to Council Incomplete Items for Forecasts, Land Use, Wastewater, Water Resources, Water Supply, Housing, Transportation, Implementation, SSTS, and Parks and Trails
- April 15, 2019: Revised TAZ Table
- May 17, 2019: Local Surface Water Management Plan
- August 12, 2019: Revised Local Surface Water Management Plan
- September 19, 2019: Revised 2040 Comprehensive Plan Responding to Council Incomplete Items for Land Use, Wastewater, Water Resources, and Housing
- October 7, 2019: Deadline Extension Request
- October 30, 2019: Revised Implementation Chapter

Attachments

- Figure 1: Location Map with Regional Systems
Figure 2: *Thrive MSP 2040* Community Designation, 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

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

Regional Park Search Areas and Regional Trail Search Corridors

- Boundary Adjustment
- Search Area
- Regional Trail Search Corridors

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

* Counties Transit Improvement Board (CTIB)

Figure 2. Thrive MSP 2040 Community Designation, 2015 System Statement

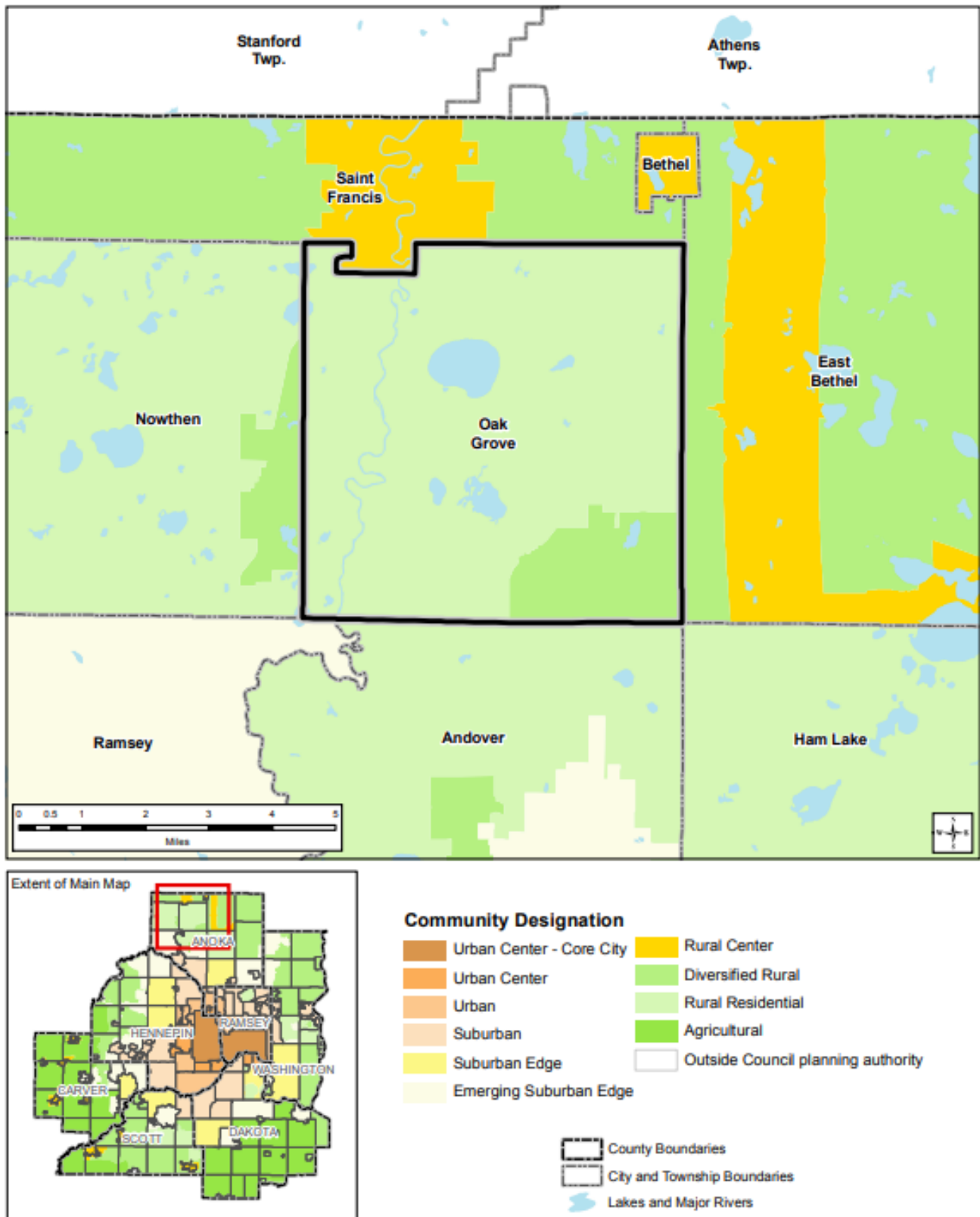
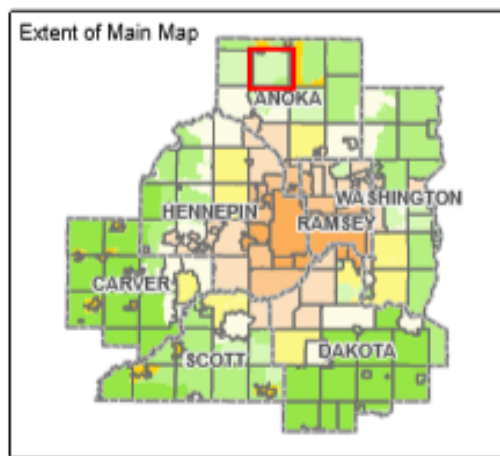
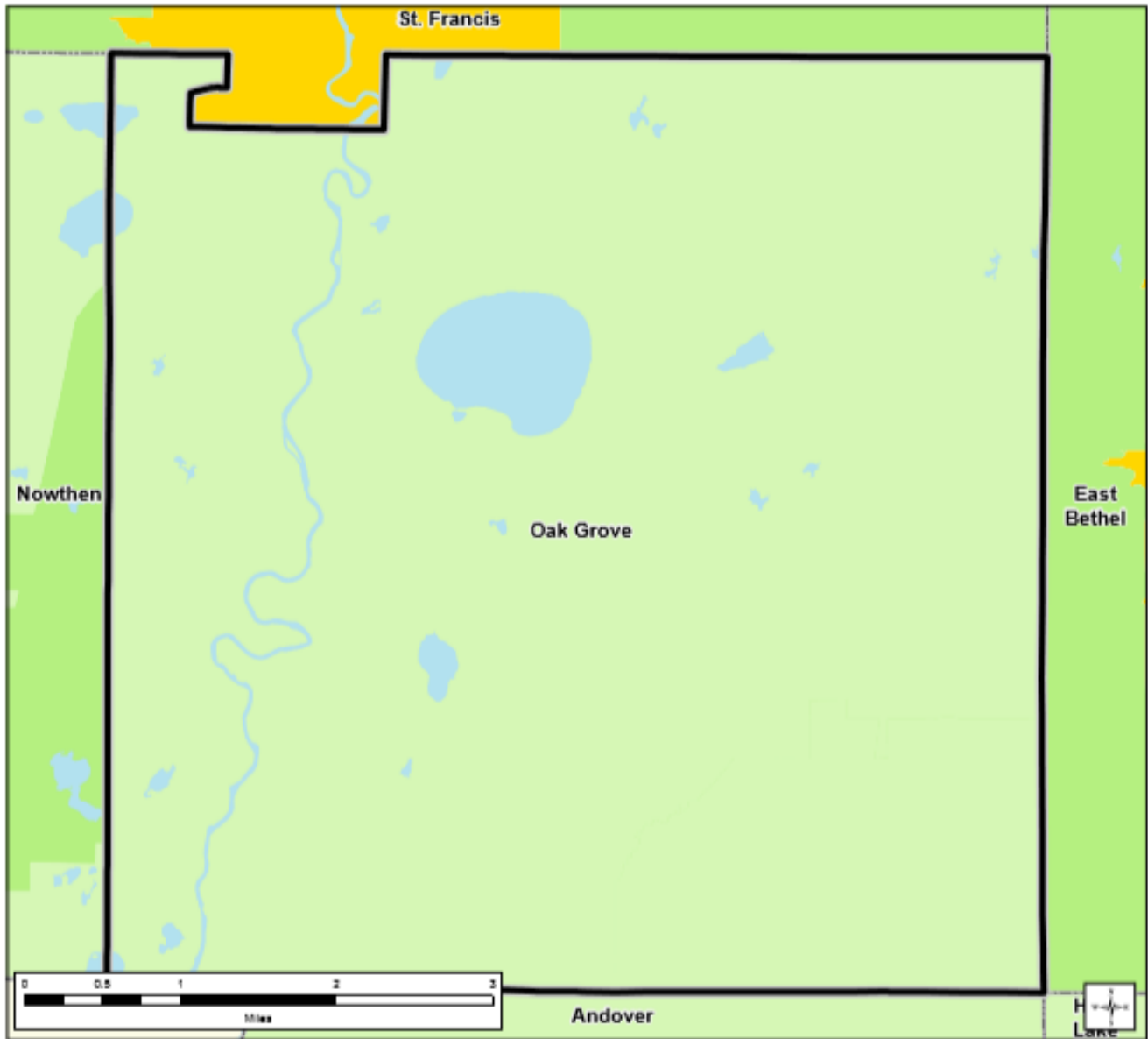


Figure 3. Revised Thrive MSP 2040 Community Designation



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 5. 2040 Future Land Use

