

Community Development Committee

Meeting date: September 21, 2020

For the Metropolitan Council meeting of October 14, 2020

Subject: May Township 2040 Comprehensive Plan and Comprehensive Sewer Plan, Review File 22390-1

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 May Township to place its 2040 Comprehensive Plan into effect.
2. Advise the Township to:
 - a. When available, provide to the Council the date that the Rice Creek Watershed District approved the Local Water Management Plan, the date the Township adopted the final Local Water Management Plan, and a copy of the final Local Water Management Plan if it differs from the version contained in the Township’s November 27, 2019, Plan submission.
 - b. Implement the advisory comments in the Review Record for Forecasts, Land Use and Water Supply.

Summary of Committee Discussion/Questions

Senior Planner Jake Reilly presented the staff’s report to the Committee. Consulting Planner Nate Sparks from May Township was in attendance. The Community Development Committee unanimously recommended approval of the proposed action with no questions or discussion at its meeting on September 21, 2020.

Community Development Committee

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For the Metropolitan Council meeting of October 14, 2020

Subject: May Township 2040 Comprehensive Plan and Comprehensive Sewer Plan, Review File 22390-1

District(s), Member(s): District 12, Francisco J. Gonzalez

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

Staff Prepared/Presented: Jake Reilly, Senior Planner (651-602-1822)
Angela R. Torres, Local Planning Assistance Manager (651-602-1566)

Division/Department: Community Development / Regional Planning

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

Recommendations of the Community Development Committee

3. Authorize May Township to place its 2040 Comprehensive Plan into effect.
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 - a. When available, provide to the Council the date that the Rice Creek Watershed District approved the Local Water Management Plan, the date the Township adopted the final Local Water Management Plan, and a copy of the final Local Water Management Plan if it differs from the version contained in the Township's November 27, 2019, Plan submission.
 - b. Implement the advisory comments in the Review Record for Forecasts, Land Use and Water Supply.

Advisory Comments

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

May Township is located in northeastern Washington County. It is surrounded by the communities of Scandia, Marine on St. Croix, Stillwater Township, Grant, Hugo, and Forest Lake.

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

May Township 2040 Comprehensive Plan

Review File No. 22390-1, Business Item No. 2020-238

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 Township'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)*. Washington County is the Park Implementing Agency for Regional Parks System components in May Township, for which the Plan accurately describes the Regional Parks System components. The State Department of Natural Resources manages the Gateway State Trail, an extension of which is underway in the Township (Figure 1). There are no Federal recreation lands in the Township.

Regional Transportation, Transit, and Aviation

Reviewer: Heidi Schallberg, Metropolitan Transportation Services – Systems Planning (651-602-1721)

The Plan conforms to the *2040 Transportation Policy Plan (TPP)* adopted in 2015. It accurately reflects transportation system components of the TPP as well as applicable land use policies for regional transitways. 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 Roadways system element of the *2040 Transportation Policy Plan (TPP)*. The City'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 community's roadways, including existing and future functional class, right-of-way preservation needs, and existing and forecasted traffic volumes for A-minor arterials. Forecasting was done consistent with regional methodology. The Plan also includes guidelines on how access will be managed for A-minor arterials.

Transit

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 and addresses seaplane use.

Freight

The Plan is consistent with Freight policies of the TPP. The Plan identifies the needs of freight movement in and through the Township including accessibility to freight terminals and facilities. These specific needs include two railroad lines owned by Canadian National that travel through the Township.

Transportation Analysis Zones (TAZs)

The Plan conforms to the TPP regarding TAZ allocations. The Township's TAZ allocations for employment, households and population appropriately sum to the Metropolitan Council's townwide 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 community's Thrive designation.

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 Township's guide for future growth and development through the year 2040. The Township is entirely provided wastewater service through the use of individual private subsurface sewage treatment systems (SSTS). The Plan indicates continued wastewater services will be primarily provided through the use of SSTS through 2040.

The Plan does not propose or anticipate requesting connection to the Regional Wastewater Disposal System within the 20-year planning period; therefore, the Township is not required to submit for approval of a Tier II Comprehensive Sanitary Sewer Plan.

The Metropolitan Council does not have plans to provide wastewater services to the community within the 2040 planning period, nor is the Township within the Long-Term Wastewater Service Area.

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 WRPP for local surface water management. The Plan satisfies the requirements for 2040 comprehensive plans. May Township lies within the oversight boundaries of the Rice Creek, Browns Creek, and Carnelian-Marine-Saint Croix Watershed Districts (WDs). The Township submitted a draft Local Water Management Plan (LWMP) update to the Council on February 5, 2019. Council staff reviewed and commented on the draft LWMP to the Township and Watersheds in a letter dated February 19, 2019. The LWMP was conditionally approved by the Browns Creek and the Carnelian-Marine-Saint Croix WDs on March 20, 2019. The Plan incorporates the LWMP as its Water Resources Chapter.

Advisory Comments

When available, we request that the Township provide to the Council the date that the Rice Creek WD approved the LWMP, the date the Township adopted the final LWMP, and a copy of the final LWMP if it differs from the version contained in the Township's November 27, 2019 Plan submission.

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 Township'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 forecast for the Township in table 2 on page 10 of the Plan and as shown for reference in Table 1 below. All forecast tables throughout the Plan are consistent. The inventory and capacity of May Township’s land supply for 2040 accommodates their forecasted growth.

Table 1. May Township Forecasts

	Census	Estimated	Council Forecasts		
	2010	2019	2020	2030	2040
Population	2,776	2,722	3,000	3,490	3,950
Households	1,083	1,059	1,200	1,400	1,600
Employment	66	177	120	150	180

Advisory Comments

Council staff find only limited recent growth and limited demand for new development in northeast Washington County; therefore, we consider the net gain of 540 households during 2019-2040 unlikely. Council staff advise the Township to request a households and population forecast reduction, if this aids the Township’s planning. If the Township requests a forecast revision, the new forecast should be included in all necessary places in a Plan amendment. The revised forecast would also need to be reflected in the TAZ allocation.

Thrive MSP 2040 and Land Use

Reviewer: Jake Reilly, CD – Local Planning Assistance (651-602-1822)

The Plan is consistent with *Thrive MSP 2040* and its land use policies. The Plan acknowledges the *Thrive* community designation of Diversified Rural (Figure 2). *Thrive* describes Diversified Rural communities as home to a variety of farm and nonfarm land uses including very large-lot residential, clustered housing, hobby farms and agricultural uses. Diversified Rural communities are expected to plan for growth not to exceed forecasts and in patterns that do not exceed 4 units per 40 acres. In addition, Diversified Rural communities 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.

The existing land uses in May Township are predominately Open Space, Vacant & Agriculture as well as Rural Residential (36% each). Approximately 6% of the Township is long-term agriculture and 8% is held in conservancy (Figure 3). The Plan states that for 125 years the May Town Board has acted to preserve the community as one with no commercial, industrial, or retail development, with only single-family dwellings, and with a goal to retain the rural character of the Town.

The Future Land Use Plan for the Town of May continues the goals set forth in the Township’s 2030 Plan. The Township’s primary land use is the Rural Residential guiding (67%) and identifies this land as currently vacant or presently used for agriculture. Rural Residential areas are intended to be residential or agricultural in the future. The Rural Residential area includes farmland and also allows residential development at a one dwelling unit per ten acre density, as may be implemented by the Township’s Subdivision Ordinance. All new lots within the Township must have a minimum of 2.5 contiguous buildable acres, which in practice has led to much larger lots due to the prevalence of wetlands across the community. Preservation of key natural and/or cultural resources are identified as a goal of all new development to ensure any such development fits the unique character of the Township.

The Plan is consistent with regional policies for Diversified Rural communities including development patterns not exceeding 4 units per 40 acres. The Implementation Plan also includes appropriate policies regarding implementation of conservation subdivision ordinances, cluster development ordinances, and environmental protection provisions in their local land use ordinances, consistent with the flexible development guidelines outlined in *Thrive*. The Township’s zoning and subdivision

ordinances include options for lot averaging, which would permit flexible residential development, and environmental protection requirements that are consistent with the guidelines, and prevent the premature demand for the extension of urban services.

The Plan is also consistent with Thrive land use policies for natural resources protection, water sustainability, housing, transportation, economic competitiveness, and resilience .

Agricultural Preserves

The Plan is consistent with Council policy for lands enrolled in the Agricultural Preserve Program. Areas enrolled in the Agricultural Preserve Program are guided Agricultural on the Future Land Use map, with density of one unit per 40 acres, which is consistent with Minn. Stat. § 473H.02, subd. 7.

The Agricultural land use category includes land planned for long-term agricultural use. Much of this property is enrolled in the Metropolitan Agricultural Preservation Program, which provides tax benefits enabling farmers near urban areas to continue farming on an equal footing with those farmers located outside the metropolitan area. It is the policy of the Town to encourage farmers to participate in such programs. This land use category is intended for only working farms and single-family residences with a density of 1 unit per 40 acres.

Other properties within the Township's Agricultural land use designation are eligible for enrollment in the Agricultural preserves program. These plots of land are protected by the township's zoning code and ordinances and the Metropolitan Agricultural Preserves Program.

May Township's local government has the zoning and planning authority to implement and process agricultural preserve applications within the township. For properties to be enrolled in the Agricultural Preserves Program, the Future Land Use Map must reflect an Agricultural land use designation with a maximum density of 1 unit per 40. The Plan appropriately guides lands enrolled in the Agricultural Preserves program as Agriculture. The Plan contains consistent policies to support on-going agricultural uses. The Agriculture future land use category guides development at a maximum residential densities of 1 unit per 40 acres consistent with regional policies for and the Metropolitan Agricultural Preserves Program (Figure 4).

Advisory Comments

If parcels in the Agricultural Preserves Program expire and are no longer guided at one unit per 40 acres, then a comprehensive plan amendment will be required. Additionally, if and when lands guided as Agricultural are enrolled into the Agricultural Preserves Program, Council staff should be notified.

Housing

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

The Plan is consistent with the *2040 Housing Policy Plan*. The Township's existing housing is primarily single family, homesteaded, and priced at some of the highest values in Washington County. Approximately 7% of the households in the Township are housing cost burdened.

The Plan indicates that the Township will use effective referrals, maintenance and code enforcement, and zoning ordinances that allow flexible housing types to address existing housing needs.

The Township is not planned to support sewer-serviced household growth, and therefore does not need to plan for a share of the region's need for affordable housing in the 2021-2030 decade. However, the Township does anticipate approximately 141 additional households in that decade, and will continue to provide referrals for new residents and options through its zoning ordinance to provide a variety of housing options.

Water Supply

Reviewer: Brian Davis, ES – Water Supply Planning (651-602-1519)

The Plan is consistent with Council policy requirements and in conformance with the Council's WRPP for 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 May Township relies on private wells and does not own/operate a municipal community public water supply system (PWS), no local water supply plan is required.

Community and Subsurface Sewage Treatment Systems (SSTS)

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

The Plan indicates there are approximately 1,095 SSTS in operation in the community. Additionally, there is one Community Wastewater Treatment System owned and operated by the Township in operation serving the Carnelian Hills subdivision in the southeast corner of the Township. The community system, upgraded in 2004 for a capacity of 140 homes, currently serves 85. Washington County has assumed responsibility for regulation of specifications, installation, inspection, and maintenance management of SSTS for new and existing systems within the Township. Washington County SSTS Ordinance No. 206 in Chapter Four of their Development Code is consistent with Minnesota Pollution Control Agency Chapter 7080-7083 Rules and Council WRPP requirements.

Special Resource Protection

Solar Access Protection

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

The Plan is consistent with statutory requirements (Minn. Stat. 473.859) and Council policy regarding planning for the protection and development of access to direct sunlight for solar energy systems as required by the Metropolitan Land Planning Act (MLPA). The Plan includes the required solar planning elements.

Aggregate Resource Protection

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

The Plan identifies, consistent with the Council's aggregate resources inventory information contained in *Minnesota Geological Survey Information Circular 46*, that there are significant known aggregate resource deposits located within the Township. There are currently three active mines operating within a Township mining overlay area. Land use policies in the Plan consider aggregate mining facilities to be permitted interim uses within appropriate locations in order to protect the rural character, natural environment, and quality of life of Township's residents.

Historic Preservation

Reviewer: Jake Reilly, CD – Local Planning Assistance (651-602-1822)

The Plan appropriately addresses historic preservation in the Township. The Plan identifies historic properties with significant architectural value, including a historic cemetery. The Plan also outlines steps that the Township and its residents can take to preserve those resources and includes supporting goals and policies.

Plan Implementation

Reviewer: Jake Reilly, CD – Local Planning Assistance (651-602-1822)

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 Township 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

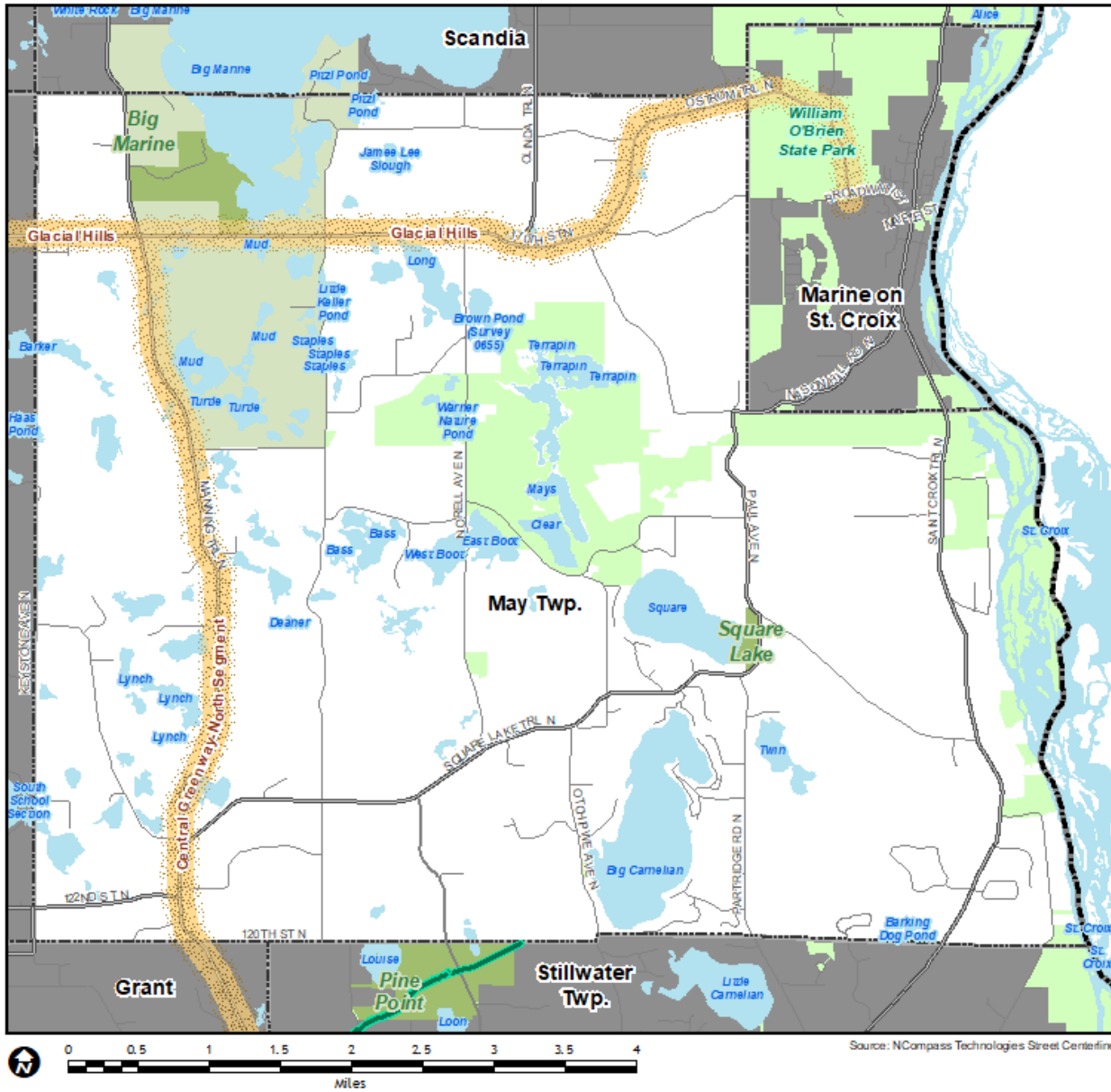
In response to the 2015 System Statement, the Township submitted the following documents for review:

- November 27, 2019: May Township 2040 Comprehensive Plan
- June 26, 2020: Revised Comprehensive Plan Responding to Council Incomplete Items for Transportation and Housing.
- July 17, 2020: Deadline Extension Request
- July 20, 2020: Revised Comprehensive Plan
- August 10, 2020: Additional Transportation Language
- August 11, 2020: Revised Comprehensive Plan

Attachments

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

Figure 1. Location Map with Regional Systems



Regional Systems

Transportation

Transitways

2040 Transportation System Policy - adopted January 2015

- Existing
- Planned Current Revenue Scenario
- Planned Current Revenue Scenario - CTIB* Phase 1 Projects
- Potential Increased Revenue Scenario

Regional Highway System

- Existing Principal Arterials
- Planned Principal Arterials
- Existing Minor Arterials
- Planned Minor Arterials
- Existing Other Arterials
- Planned Other Arterials

Recreation Open Space

Regional Parks

- Existing (Open to Public)
- In Master Plan (Not Open to Public)
- Planned Units

Regional Trails

- Existing (Open to Public)
- Existing (Not Open to Public)
- Planned

Wastewater

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

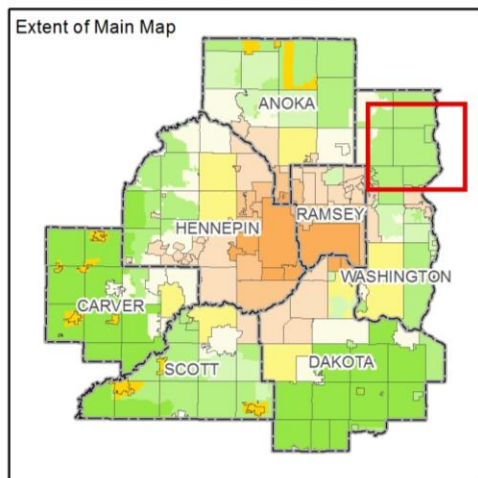
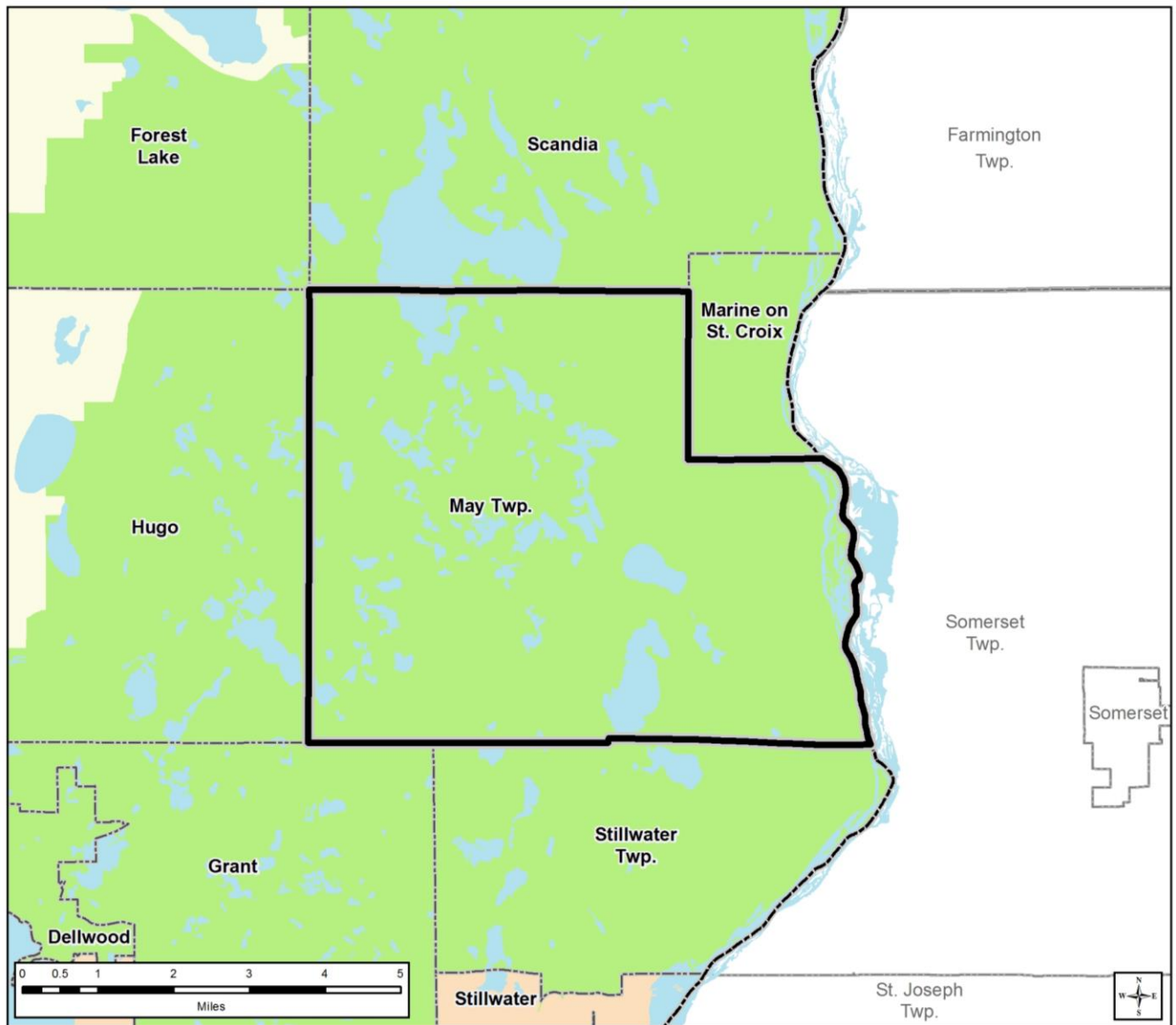
Regional Park Search Areas and Regional Trail Search Corridors

- Boundary Adjustment
- Search Area
- Regional Trail Search Corridors

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

* Counties Transit Improvement Board (CTIB)

Figure 2. Thrive MSP 2040 Community Designations



Community Designations

- Outside Council planning authority
- Agricultural
- Rural Residential
- Diversified Rural
- Rural Center
- Emerging Suburban Edge
- Suburban Edge
- Suburban
- Urban
- Urban Center

- County Boundaries
- City and Township Boundaries
- Lakes and Major Rivers

Figure 3. Existing Land Use

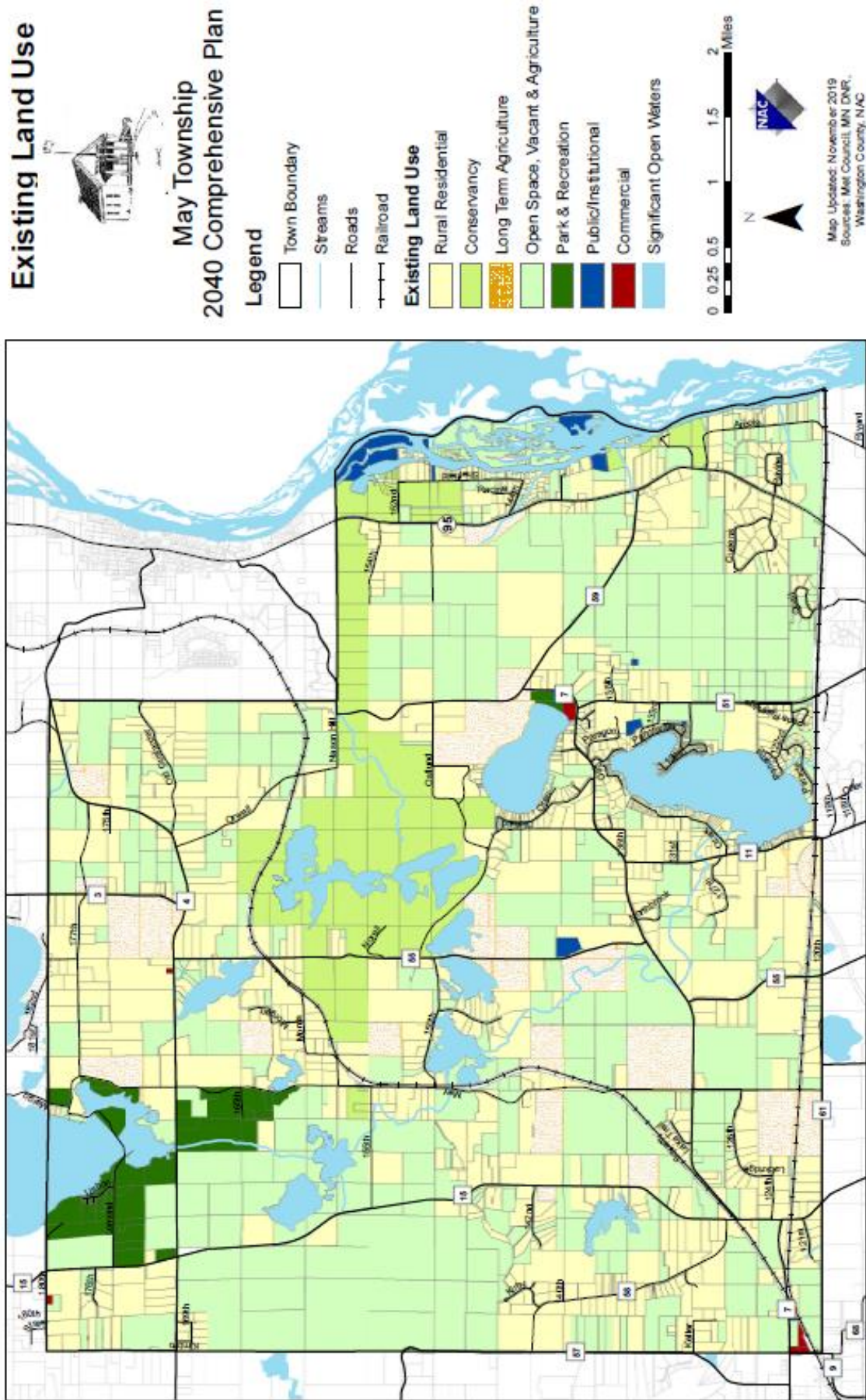


Figure 4. 2040 Future Land Use

