

Committee Report

Community Development Committee



Committee Meeting Date: January 16, 2024

For the Metropolitan Council: February 14, 2024

Environment Committee Date: January 24, 2024

Business Item: 2024-12 JT

City of Empire 2040 Comprehensive Plan and Comprehensive Sewer Plan, Review File 22892-1

Proposed Action

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

Recommendations of the Community Development Committee

1. Authorize the City of Empire to place its 2040 Comprehensive Plan into effect.
2. Advise the City to implement the advisory comments in the Review Record for Water Supply,

Recommendation of the Environment Committee

1. Approve the City of Empire's Comprehensive Sewer Plan
2. Advise the City to implement the advisory comments in the Review Record for Wastewater

Summary of Community Development Committee Discussion/Questions

Planning Analyst Patrick Boylan presented the staff's report to the Committee. No representatives from the Empire were in attendance. Councilmember Lindstrom asked if there were any other townships likely to incorporate in the near future. Director Barajas noted that in the run up to incorporation, local communities work with Council Staff for many months and that at this time, staff knows of no other townships who are in the process to become cities. The Community Development Committee unanimously recommended approval of the proposed action at its meeting on January 16, 2024.

Summary of Environment Committee Discussion/Questions

Motion by CM Morales, seconded by CM Osman. Motion carried.

Business Item

Community Development Committee



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City of Empire 2040 Comprehensive Plan and Comprehensive Sewer Plan, Review File 22892-1

District(s), Member(s):	District 16, Wendy Wulff
Policy/Legal Reference:	Metropolitan Land Planning Act (Minn. Stat. § 473.175), Minn. Stat. § 473.513
Staff Prepared/Presented:	Patrick Boylan, Planning Analyst (651-602-1438) Angela R. Torres, Local Planning Assistance Manager (651-602-1566) Kyle Colvin, Wastewater Planning and Community Programs Manager (651-602-1151)
Division/Department:	Community Development / Regional Planning Environmental Services / Technical Services

Proposed Action

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

Recommendations of the Community Development Committee

1. Authorize the City of Empire to place its 2040 Comprehensive Plan into effect.
2. Advise the City to implement the advisory comments in the Review Record for Water Supply.

Recommendation of the Environment Committee

1. Approve the City of Empire's Comprehensive Sewer Plan.
2. Advise the City to implement the advisory comments in the Review Record for Wastewater.

Advisory Comments

The following Advisory Comments are part of the Council action authorizing the City of Empire 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).

Environment Committee

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



Background

The City of Empire is located in central Dakota County. It is surrounded by the communities of Rosemount, Coates, Vermillion Township, Hampton Township, Castle Rock Township, Farmington, Lakeville, and Apple Valley.

On December 21, 2018, Empire 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. On May 27, 2020, the Council found the Township's Plan to conform with regional systems, consistent with Council policies, and compatible with plans of adjacent and affected jurisdictions ([Business Item 2020-130 JT](#), Review File No. 22176-1). The Township adopted its 2040 Plan on June 9, 2020. On August 31, 2022, Empire Township was incorporated into the City of Empire. As a newly incorporated city, Council staff advised the City that it would need to formally adopt a 2040 comprehensive plan for the jurisdiction in its new formation, and that comprehensive plan would need to be submitted to the Council for review. The City submitted its updated 2040 Comprehensive Plan (Plan) to the Council for review on August 9, 2023, and supplemental information on November 29, 2023.

Review Authority & Rationale

Minn. Stat. § 473.175 directs the Metropolitan Council to review a local government's comprehensive plan and provide a written statement to the local government regarding the Plan's:

- **Conformance** with metropolitan system plans
- **Consistency** with the adopted plans and policies of the Council
- **Compatibility** with the plans of adjacent governmental units and plans of affected special districts and school districts

By resolution, the Council may require a local government to modify its comprehensive plan if the Council determines that "the plan is more likely than not to have a substantial impact on or contain a substantial departure from metropolitan system plans" (Minn. Stat. § 473.175, subd. 1).

Each local government unit shall adopt a policy plan for the collection, treatment, and disposal of sewage for which the local government unit is responsible, coordinated with the Metropolitan Council's plan, and may revise the same as often as it deems necessary (Minn. Stat. § 473.513).

The attached Review Record details the Council's assessment of the Plan's conformance, consistency, and compatibility, and is summarized below.

Review Standard	Review Area	Plan Status
Conformance	Regional system plan for Parks	Conforms
Conformance	Regional system plan for Transportation, including Aviation	Conforms
Conformance	Water Resources (Wastewater Services and Surface Water Management)	Conforms
Consistency with Council Policy	<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* (Thrive). 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 City of Empire received no funding from the Metropolitan Council to complete its 2040 Plan. However, the Metropolitan Council awarded the Township a Planning Assistance Grant of \$84,000 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 was paid after Council authorization of the Plan, local Plan adoption, and the submittal of final reporting requirements.

Known Support / Opposition

There is no known local opposition to the 2040 comprehensive plan.



REVIEW RECORD

City of Empire 2040 Comprehensive Plan

Review File No. 22892-1, Business Item No. 2024-12 JT

The following Review Record documents how the proposed Plan meets the requirements of the Metropolitan Land Planning Act and conforms to regional system plans, is consistent with regional policies, and is compatible with the plans of adjacent and affected jurisdictions.

Conformance with Regional Systems

The Council reviews plans to determine conformance with metropolitan system plans. The Council has reviewed the City's Plan and finds that it conforms to the Council's regional system plans for Regional Parks, Transportation (including Aviation,) and Water Resources.

Regional Parks and Trails

Reviewer: Colin Kelly, Community Development (CD) - Regional Parks (651-602-1361)

The Plan conforms to the *2040 Regional Parks Policy Plan (RPPP)*. Dakota County is the Park implementing agency for the Regional Parks System components in the City of Empire, for which the Plan accurately describes the Regional Parks System components (Figure 1). Regional parks located within the City include Whitetail Woods Regional Park. Regional Trails located within the City include the North Creek Greenway and Vermillion Highlands Greenway regional trails, and the Vermillion River Greenway Regional Trail Search Corridor. The Plan also appropriately acknowledges Vermillion Highlands Research Recreation and Vermillion River wildlife management areas (Minnesota Department of Natural Resources).

Regional Transportation, Transit, and Aviation

Reviewer: Joseph Widing, Metropolitan Transportation Services (MTS) (651-602-1822)

The Plan conforms to the *2040 Transportation Policy Plan (TPP)* adopted in 2015. It accurately reflects transportation system components of the TPP and is 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 identifies important A-Minor Arterial roadways, such as MN Highway 3 and CSAH 46. The Plan also accurately reflects the regional functional classification map of A-Minor Arterials as of the time it was produced. 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 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 element of the TPP. It acknowledges that the City is within Transit Market Area V. There is no fixed-route service within the City boundaries.

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

Aviation

The Plan conforms to the Aviation system element of the TPP. There is not an airport in the regional aviation system located near the City of Empire. However, the Plan notes the Airlake Airport, which is a minor reliever airport, seven miles to the west of the City, outside the airport's influence area. The Plan notes a private grass runway airstrip located within City limits. It includes



policies that protect regional airspace from obstructions.

Bicycling and Walking

The Plan is consistent with the Bicycling and Pedestrian chapter of the TPP. The Plan identifies existing or planned regional trails which include the North Creek Greenway and Vermillion Highlands Greenway regional trails, and the Vermillion River Greenway Regional Trail Search Corridor. It acknowledges and identifies the Regional Bicycle Transportation Network (RBTN). There is one RBTN search corridor which straddles the northwest City boundary and there are no RBTN alignments within City boundaries.

Freight

The Plan is consistent with Freight policies of the TPP. The Plan identifies one class 1 railroad (Canadian Pacific) within City limits as the primary freight movement route in and through the city. It identifies three Tier 3 truck highway corridors within City boundaries (TH 50, TH 3, CSAH 46). No regional freight issues were identified in the City of Empire.

Transportation Analysis Zones (TAZs)

The Plan conforms to the TPP regarding TAZ allocations. The City's TAZ allocations for employment, households, and population appropriately sum to the Metropolitan Council's citywide forecast totals for all forecast years. The City's planned land uses and areas identified for development and redevelopment can accommodate the TAZ forecasted allocations in the Plan, and at densities consistent with the community's Thrive designation and applicable TPP policies.

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 represents the City's guide for future growth and development through the year 2040. It includes growth forecasts that are consistent with the Council's accepted forecasts for population, households, and employment.

Current wastewater treatment services are provided to the city by the Metropolitan Council Environmental Services. All wastewater generated within the city is conveyed through Council Interceptors 7103-1, 7409, and 7409B. All flow is treated at the Council's Empire Wastewater Treatment Plant in Empire. The Plan projects that Empire will have 1,400 sewer households and 240 sewer employees by 2040. The Metropolitan Disposal System (MDS) with its scheduled improvements has or will have adequate capacity to serve the City's growth forecasts.

The Plan provides sanitary flow projections in 10-year increments. The rationale for the projections is given in the Plan and determined appropriate for planning local services. The Metropolitan Council is committing to providing the level of wastewater service based on the sewer forecasts as stated in the sewer element of the Plan.

The Land Use Plan reflects an overall minimum residential sewer density that is consistent with Council policy for future sewer residential growth for Emerging Suburban Edge communities.

The City is currently provided regional wastewater service through seven existing individual direct connections to the regional interceptor system. Due to the relatively low number of homes and businesses served through each connection, the small amount of flow within each pipe is not adequate to accurately meter through permanent metering facilities. Therefore, the City has no flow data to base an evaluation of I/I impact to the local collection system, nor to provide an estimate of the amount of I/I included in the City's average annual flow. However, the City has inspected the northern portion of its collection system (approximately 40% of total system) and found all the pipes to be in good condition, and plans to televise the rest of its system in the future. The Plan does acknowledge that pumping records from the City's single lift station indicate some response to wet weather conditions, and it plans to rehabilitate the system upstream of the lift station within the next 10 to 15 years. Most of the development within the city occurred after 1970 with all the public collection system and most of the private services consisting of PVC pipe.



Due to the more recent nature of development, the City did not create an ordinance addressing the connection of sump pumps, foundation drains, or rain leaders to the sanitary sewer system. However, the Plan states that the City will work on creating such an ordinance.

The Plan identifies the addition of future service districts that connect to interceptors 7103 (Farmington), 7409 (Apple Valley/Lakeville), as well as to interceptor 9208 (Rosemount). Most of the undeveloped areas within the City were provided wastewater service capacity within the “Rosemount” interceptor, including District 14 located south of 170th Street, and west of the Canadian Pacific Railroad which is currently identified as being served through a connection to the Apple Valley/Lakeville interceptor. While there is adequate interim capacity in the Apple Valley/Lakeville interceptor to accommodate the proposed connection in the short-term, long-term, the City will need to redirect the service to the Rosemount interceptor where capacity for this area was originally provided. The Plan acknowledges this requirement.

The Plan identifies much of the future development is to occur between 2020 and 2030 in Sewer Districts 8 and 9 and will be served through a portion of the Apple Valley/Lakeville interceptor that was originally built to provide service to this area. Growth outside of Districts 8 and 9 are programmed to occur after 2030, which fall under the 2040 comprehensive plan update period.

The City acknowledges it is transitioning from an agricultural community to an Emerging Suburban Edge community. As such it must consider not only its short-term development needs over 20 years, but also plan for the provision of regional wastewater services beyond 2040 accounting for an ultimate “build-out” scenario. The City currently relies on the regional interceptor system to provide trunk sewer services to serve land areas near the interceptor. This resulted in the 14 individual districts that make up the City’s proposed collection system, each district having its own direct connection to a regional interceptor. If continued, this approach will become more problematic. As development occurs further away from interceptors, additional trunk lines will be required to be built through developed areas to provide service. Creating individual connections that have small service areas creates flow conditions within the pipe that make accurate flow measurement technically difficult, if not impossible.

The City needs to explore ways to configure its future wastewater collection system so that the ultimate service area of the City can be served through one or two connections to the regional system. The City should also study options for consolidating existing districts, to reduce the number of existing direct connections to the regional system. This will create more favorable conditions by having fewer connections with larger flow, thus allowing the Council to accurately measure the City’s wastewater flow for billing purposes. Currently, the Council relies on estimates based on the number of connections within the City and uses an estimated flow per connection to determine the City’s wastewater volume used for billing purposes.

Comprehensive Sewer Element Comments

The City of Empire is covered under two Metropolitan Council community designations: Agricultural and Emerging Suburban Edge. That portion of the city that is serviced through the MDS is identified in the Emerging Suburban Edge area and therefore the Sewer Element of the 2040 Plan has been reviewed against the requirements for Comprehensive Sewer Plans for Emerging Suburban Edge communities. It was found to be complete and consistent with Council policies. Upon adoption of the Plan by the City, the action of the Council to approve the Sewer Plan becomes effective. At that time, the City may implement its Plan to alter, expand, or improve its sewage disposal system consistent with the approved Sewer Plan. A copy of the Resolution adopting its Plan needs to be submitted to the Metropolitan Council for its records.

Advisory Comments

The Plan states that the City does not have an ordinance addressing the connection of sump pumps, foundation drains, or rain leaders to the sanitary sewer system and plans to create such an ordinance in the future. Once completed and adopted by the City, a copy of the ordinance and resolution adopting the ordinance needs to be submitted to the Council to be filed with the city’s Comprehensive Sewer Plan.

The Council recognizes that all growth is projected to occur in Districts 8 and 9 between 2020 to 2030, and there is time for the City to develop the long-range wastewater system plan as



recommended in the analysis above. Details regarding service district consolidation needs to be included in the 2050 Comprehensive Plan. Therefore, the Council will not require the long-range wastewater system plan discussed above at this time but will expect the results of that study and implementation of its recommendations to be included in its 2050 Plan.

Surface Water Management

Reviewer: Maureen Hoffman, ES – Water Resources (651-602-8026)

The Plan is consistent with Council policy requirements and in conformance with the Council’s 2040 WRPP for local surface water management. The City lies within the oversight boundaries of the Vermillion Rivers Watershed Joint Powers Organization. The City submitted a draft Local Water Management Plan (LWMP) update in January of 2019. The Council Water Resources staff reviewed and commented on the draft LWMP to the City and Watershed Management Organization in February of 2019. The Plan includes the LWMP in its appendix.

Consistency with Council Policies

The Council reviews plans to evaluate their apparent consistency with the adopted plans of the Council. Council staff have reviewed the City’s Plan and find that it is consistent with the Council’s policies, as detailed below.

Forecasts

Reviewer: Todd Graham, CD – Research (651-602-1322)

The Plan includes the Metropolitan Council forecasts for the City. The inventory and capacity of Empire’s land supply for 2030 and 2040 is sufficient to accommodate the City’s forecasted growth. For reference, Metropolitan Council forecasts are shown below in Table 1.

Table 1. Metropolitan Council City of Empire Forecasts

	Census	Estimates	Council Forecasts		
	2020	2022	2020	2030	2040
Population	3,177	3,152	3,170	3,990	4,830
Households	1,021	1,022	1,100	1,450	1,800
Employment	524	549	530	650	750

Thrive MSP 2040 and Land Use

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

The Plan is consistent with *Thrive MSP 2040* and its land use policies. The Plan acknowledges the Thrive community designations of Emerging Suburban Edge and Agricultural. The majority of the City is designated Agricultural, with areas in the east that are designated Emerging Suburban Edge, and are planned for regional wastewater services (Figure 2).

Existing land use includes 642 acres of single family detached homes, 17.6 acres of attached and multi-family uses, 12 acres of commercial retail, and over 157 acres of industrial. There are 865 acres of extractive uses, more than 4,500 acres of park, recreation land including White Tail Woods Regional Park, and almost 12,000 acres of agricultural land under cultivation.

The City's future land use is dominated by over 11,078 acres of agricultural land or 55% of the total area. Commercial and industrial areas make up 101 acres or 0.8% and residential uses comprise 5.35% of planned land uses.

The Plan recognizes that natural resources are beneficial to the social, environmental, and economic vitality of a community. Undeveloped habitats, water resources, undeveloped open space, agricultural lands and significant scenic and scientific areas are protected by implementation tools like the Zoning Code. These tools offer useful protection of areas that are sensitive to development, such as wetlands, wooded areas, prairies, and unique wildlife areas. The City also participates in the Dakota County Land Conservation Program.



Emerging Suburban Edge

Thrive describes Emerging Suburban Edge communities as those that are in early stages of transitioning into urbanized levels of development. Emerging Suburban Edge communities are expected to plan and stage development for forecasted growth through 2040 and beyond at overall average net densities of at least 3-5 units per acre and to target higher-intensity developments in areas with better access to regional sewer and transportation infrastructure, connections to local commercial activity centers, transit facilities, and recreational amenities. The Plan identifies and protects an adequate supply of land to support growth for future development beyond 2040.

The Plan is consistent with Thrive for land use and residential density policies for an Emerging Suburban Edge community designation. As shown below in Table 2, 159 acres are planned for sewered development with a minimum of 552 units and providing an overall density of 3.5 to 8.0 units per acre, which is consistent with Council policies for Emerging Suburban Edge communities.

Table 2. Planned Residential Density, City of Empire

Category	Density		Net Acres	Min Units	Max Units
	Min	Max			
Mixed Residential	3	6	144	432	864
High Density Residential	8	10	15	120	150
	TOTALS		159	552	1,271
	Overall Density			3.5	8.0

The City has staged development to align with the timing of availability of municipal services (Figure 5). Developable land is identified in the current decade, 2020 to 2030, identified areas available in the 2030 to 2040.

Agricultural

Thrive describes Agricultural communities as those encompassing areas with prime agricultural soils that are planned and zoned for long-term agricultural use. Agricultural communities are expected to limit residential development and adopt zoning ordinances and/or other official controls to maintain residential densities no greater than 1 unit per 40 acres. The majority of the City is actively farmed and the Plan guides Agricultural areas to densities no greater than 1 unit per 40 acres, as appropriate. Many parcels under cultivation are much larger than 40 acres.

Agricultural Preserves

The Plan supports enrollment in the Agricultural Preserves and Green Acres programs which preserve prime soils and agricultural land uses. The Future Land Use Map features agricultural land uses through 2040 as the primary long-term use which preserves prime agricultural lands and in the long-term, adequately preserves land for efficient expansion of regional infrastructure in appropriate locations. The Plan contains strategies for protecting farmlands, such as lower residential densities. The Plan is consistent with regional policy for residential land use and agricultural land use preservation.

Housing

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

The Plan is consistent with the *Housing Policy Plan* (HPP). It identifies existing housing needs including maintenance of existing housing stock, providing equal opportunities to a variety of housing types for all stages of life, and housing that is affordable to a range of income levels, specifically to serve households that are currently cost-burdened. The City does not currently have any publicly subsidized housing.

The Plan acknowledges the 2021-2030 affordable housing need allocation of 119 units, 72 of which are needed at prices affordable to households earning 30% of area median income (AMI) or less, 44 of which are needed at prices affordable to households earning between 31 and 50% of AMI, and 3 of which are needed at prices affordable to households earning between 51 and 80%



of AMI. As shown in Figure 6, the Plan guides sufficient land expected to develop in the 2021-2030 time period at a minimum of eight units per acre to allow for development of at least 120 new housing units.

The housing implementation plan component of the Plan describes that the City will mostly rely on cooperation with the Dakota County Community Development Agency (CDA) to meet their housing needs, including referrals to housing resources for residents. The Plan also indicates that the City is unlikely to consider Tax Increment Financing (TIF), tax abatement, or local housing bonds. The City states that they will consider developing an accessory dwelling unit (ADU) ordinance.

Water Supply

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

The City's Plan is consistent with 2040 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. Since the City is served by a municipal public water supply system, the Local Water Supply Plan (LWSP) must be, and is, included as part of the 2040 comprehensive plan.

Empire Township prepared a LWSP in 2019 that was submitted to both the Minnesota Department of Natural Resources (DNR) and Metropolitan Council and reviewed separately. Council staff found this initial LWSP to be complete for Council requirements and shared those comments with the DNR in a letter dated April 11, 2019. The DNR approved that plan in a letter to the City dated April 5, 2020. The DNR requirements and Council requirements are met by the new 2040 City of Empire Plan.

Advisory Comments

As noted in the DNR's April 5, 2020, approval letter to the City (then Empire Township), Table 7 of the water supply plan indicates that Empire will soon exceed the authorized volume of DNR Water Appropriation Permit 1980-6194.

The City has not updated the local water supply plan (LWSP) that it submitted to the Council on April 2, 2019, and which the DNR approved in a letter to the City on May 5, 2020. The Local Water Supply Plan should be updated to reflect the updated City 2040 Plan. This may include updated water demand projections and other related information. It should also update the Plan to refer to the City of Empire.

Please note that the approval of the water supply plan is not a pre-approval of the proposed volumes in Table 7. Within six months prior to exceeding the authorized volume of DNR Water Appropriation Permit 1980-6194, the City is required to request an amendment to increase the authorized volume of DNR Water Appropriation Permit 1980-6194. The DNR will review the amendment request using the most up-to-date geologic and legal information available at the time of the request.

Community and Subsurface Sewage Treatment Systems (SSTS)

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

The Plan indicates there are approximately 335 operating SSTSs as of 2010 serving residences and businesses in the city.

Dakota County maintains maintenance management recordkeeping and SSTS owner notification for the city, and the city is responsible for review, permitting, inspections of new and existing SSTS, and enforcement of maintenance management requirements. The City has adopted Dakota County SSTS Ordinance #113, which is consistent with Minnesota Pollution Control Agency Chapter 7080-7083 Rules and Council.

Special Resource Protection

Solar Access Protection

Reviewer: MacKenzie Young-Walters, CD – Local Planning Assistance (651-602-1373)

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: MacKenzie Young-Walters, CD – Local Planning Assistance (651-602-1373)

The Plan identifies, consistent with the Council's aggregate resources inventory information contained in *Minnesota Geological Survey Information Circular 46*, the presence of substantial deposits of "commercial grade" aggregate resources in the City. The Plan acknowledges the presence, location, and quality of these resources in the City. It includes the required aggregate resource planning elements allowing access to, and removal of, these resources prior to development.

Historic Preservation

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

The Plan includes historic preservation information and meets requirements of the Metropolitan Land Planning Act (MLPA). The Plan includes a general history of rural and agricultural activities of its residents. The Plan states that the City will work with the Dakota County Historical Society, and the State Historic Preservation Office in efforts to preserve cultural heritage.

Plan Implementation

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

The Plan includes a description of and schedule for any necessary changes to the capital improvement program, the zoning code, the subdivision code, the SSTS code, and an updated housing implementation program.

The Plan, with supplemental materials, describes the official controls and fiscal devices that the City will employ to implement the Plan. Specific implementation strategies are contained in individual chapters of the Plan, with capital improvements planning detailed in the appendix.

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

The proposed Plan is compatible with the plans of adjacent jurisdictions. No compatibility issues with plans of adjacent governmental units and plans of affected special districts and school districts were identified.

Documents Submitted for Review

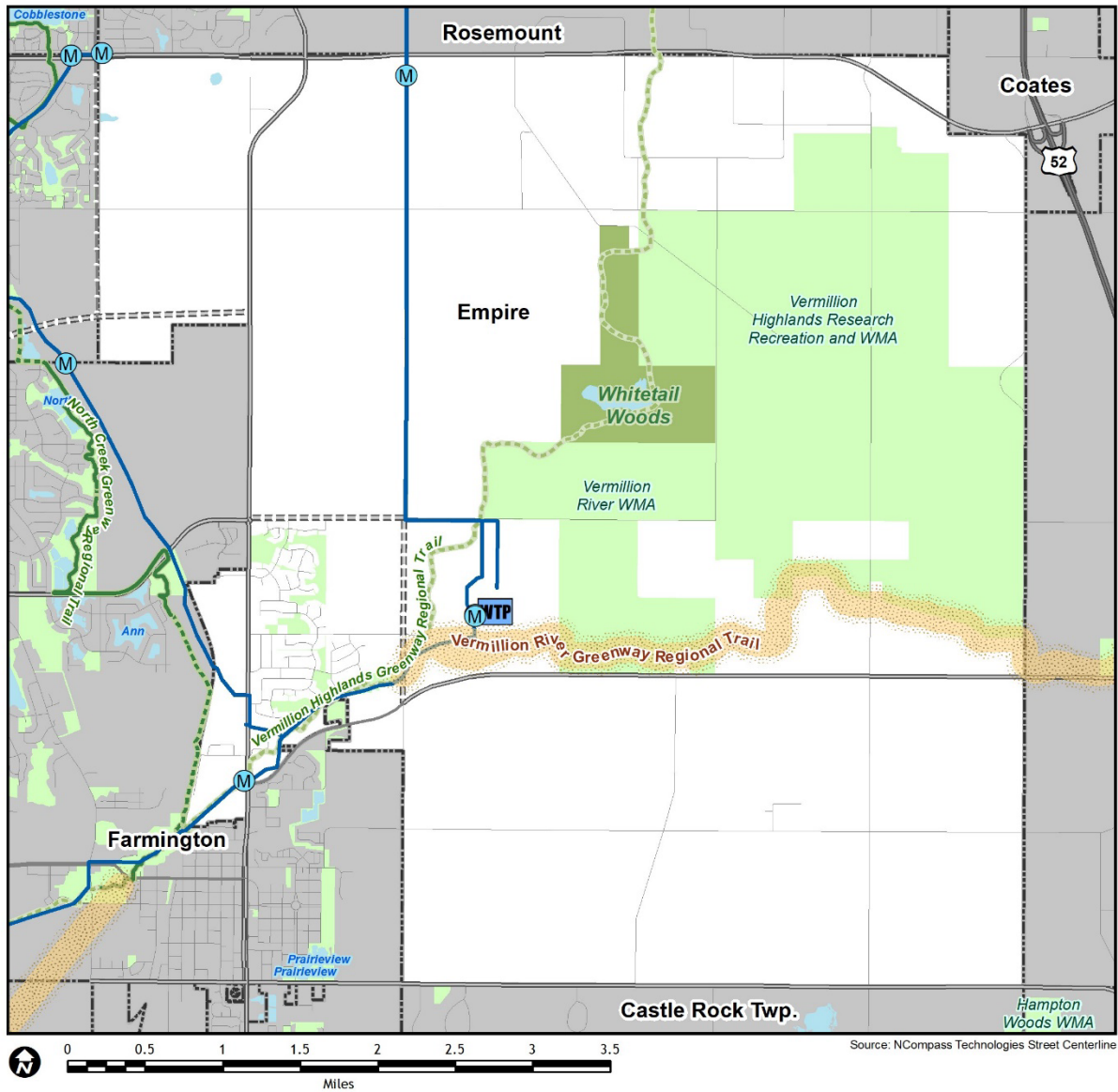
In response to the 2015 System Statement, the City submitted the following documents for review:

- August 9, 2023: City of Empire 2040 Comprehensive Plan
- November 29, 2023: Revised Comprehensive Plan Responding to Council for Land Use, MUSA Staging Map, Regional Parks and Trails.

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 5: Development Staging Map
- Figure 6: Land Guided for Affordable Housing

Figure 1. Location Map with Regional Systems

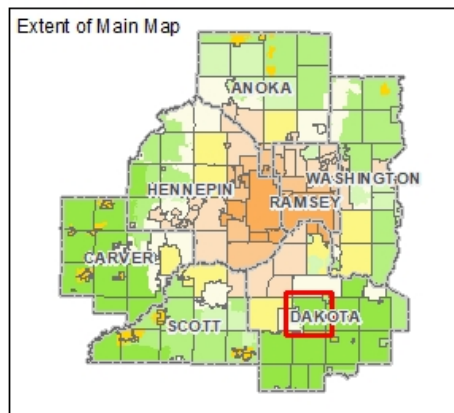
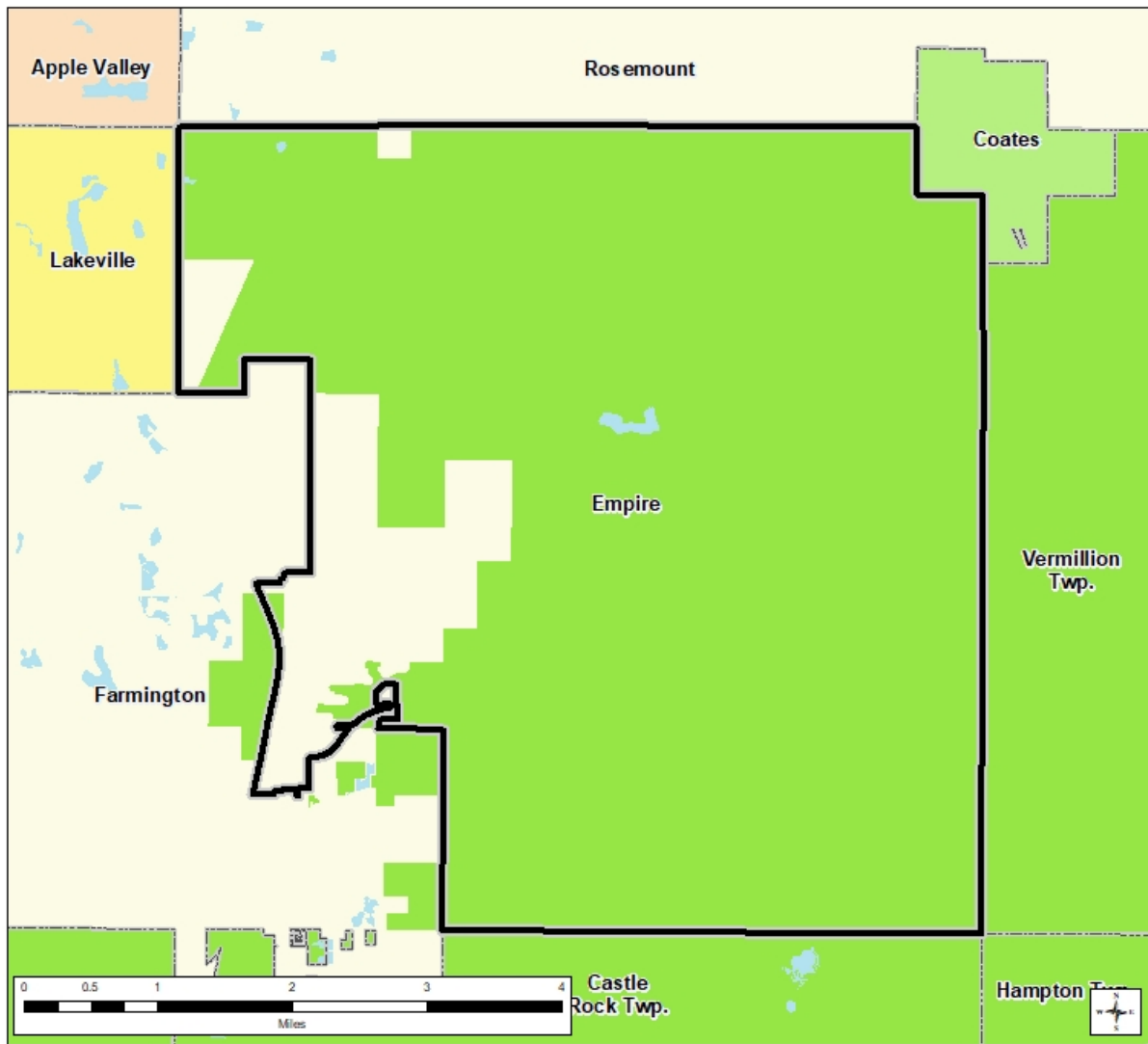


Regional Systems

<p>Transportation</p> <p>Transitways 2040 Transportation System Policy - adopted January 2015</p> <ul style="list-style-type: none"> — Existing - - - Planned Current Revenue Scenario - · - · - Planned Current Revenue Scenario - CTIB* Phase 1 Projects — Potential Increased Revenue Scenario <p>Regional Highway System</p> <ul style="list-style-type: none"> — Existing Principal Arterials - - - Planned Principal Arterials — Existing Minor Arterials - - - Planned Minor Arterials — Existing Other Arterials - - - Planned Other Arterials 	<p>Recreation Open Space</p> <p>Regional Parks</p> <ul style="list-style-type: none"> ■ Existing (Open to Public) ■ In Master Plan (Not Open to Public) ▨ Planned Units <p>Regional Trails</p> <ul style="list-style-type: none"> — Existing (Open to Public) - - - Existing (Not Open to Public) - · - · - Planned <p>Wastewater</p> <ul style="list-style-type: none"> M Meters L Lift Stations — MCES Interceptors ■ MCES Treatment Plants 	<p>Regional Park Search Areas and Regional Trail Search Corridors</p> <ul style="list-style-type: none"> ● Boundary Adjustment ● Search Area ▨ Regional Trail Search Corridors — Local Streets — Existing State Trails ■ Other Parks, Preserves, Refuges and Natural Areas
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* Counties Transit Improvement Board (CTIB)

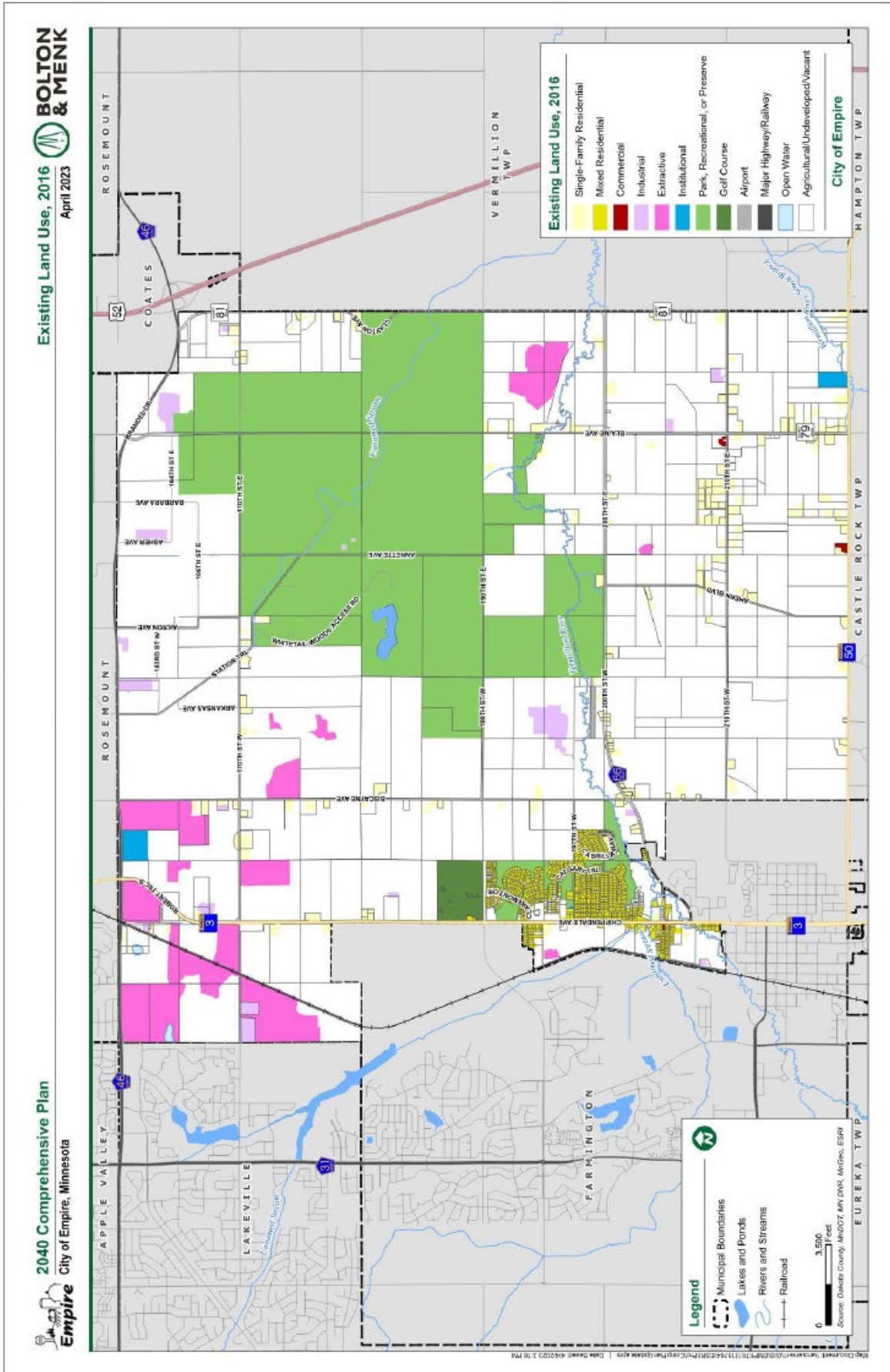
Figure 2. Thrive MSP 2040 Community Designations



Community Designations

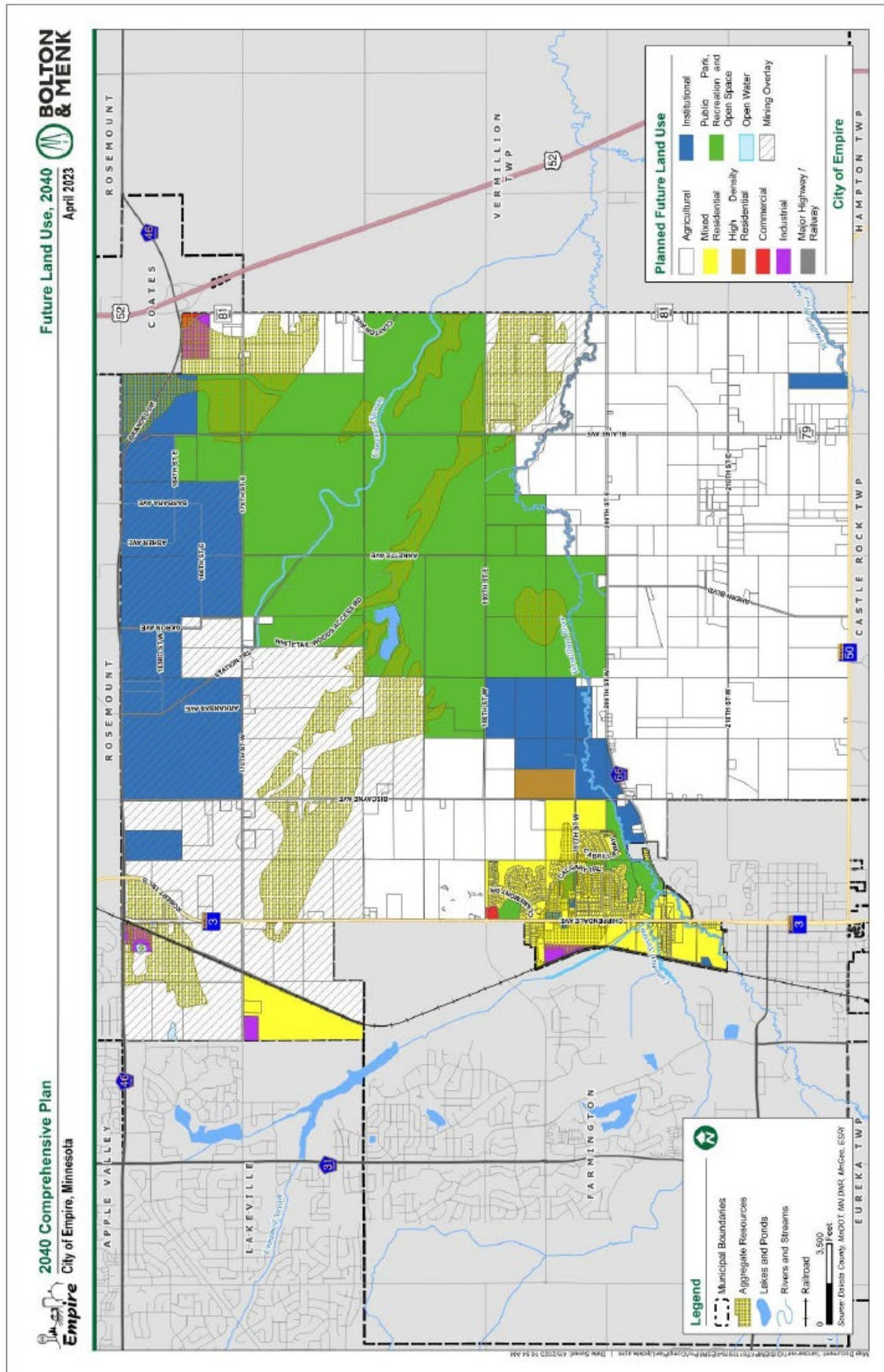
- Outside Council planning authority
- Agricultural
- Rural Residential
- Diversified Rural
- Rural Center
- Emerging Suburban Edge
- Suburban Edge
- Suburban
- Urban
- Urban Center
- County Boundaries
- City and Township Boundaries
- Lakes and Major Rivers

Figure 3. Existing Land Use



Metropolitan Council

Figure 4. 2040 Future Land Use



Metropolitan Council

Figure 4: Staging Map

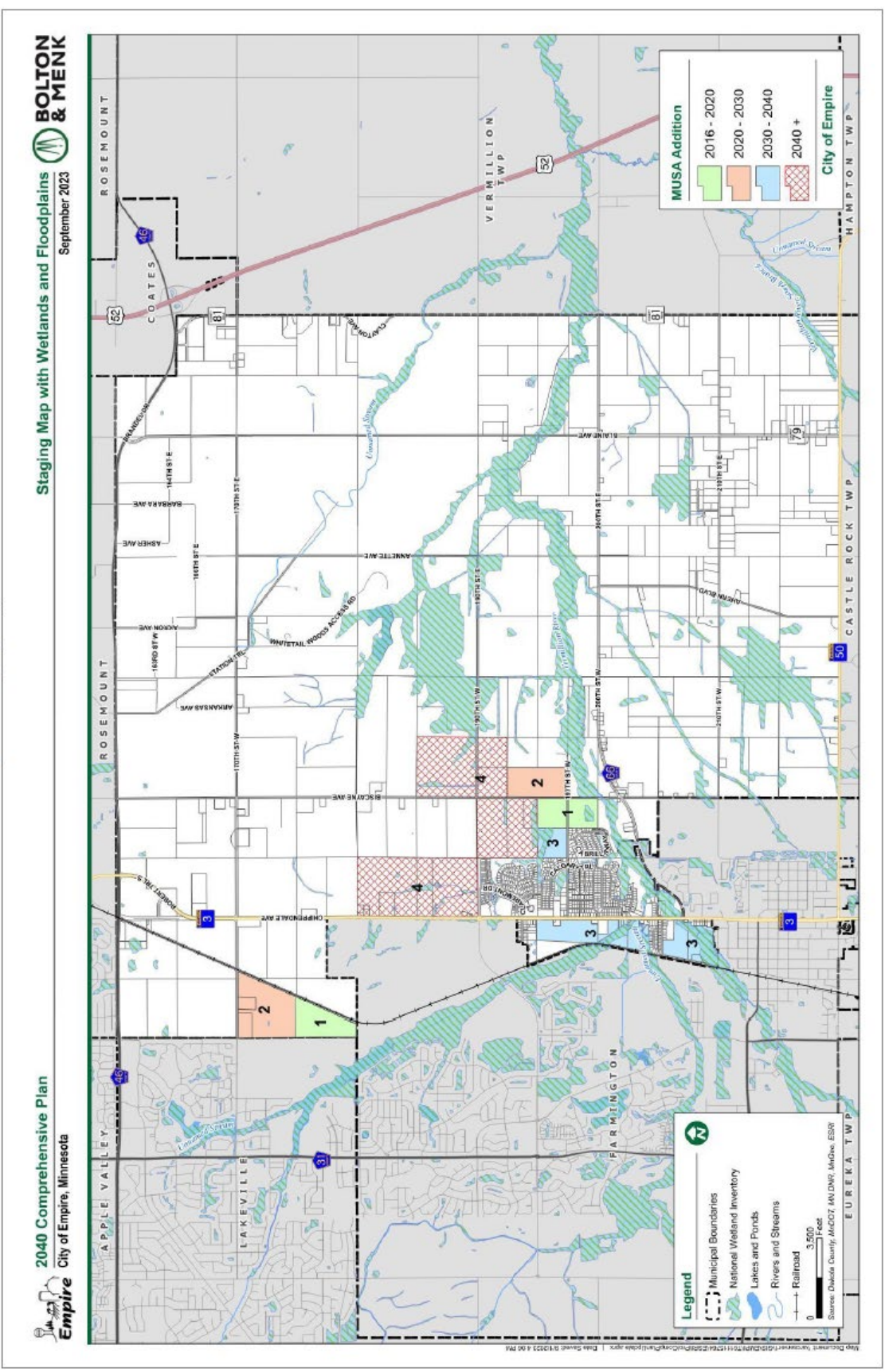


Figure 6. Land Guided for Affordable Housing

2021-2030 share of regional need for Affordable Housing: **119 units**
 2021-2030 total regional need for Affordable Housing: **37,900 units**

	Available Acres	X	Minimum Density <i>(units per acre)</i>	X	Expected % Residential <i>(if mixed use)</i>	=	Minimum Units Possible
High Density Residential	15.00		8		100%		120
Total	15						120

Sufficient/*(insufficient)* units possible against share of regional need: **1**
 Affordable units built since 2021: **0**
 Sufficient/*(insufficient)* units possible adjusted for affordable units built: **1**
 Number of Comp Plan Amendments approved since Comp Plan Update: **0**

