

Committee Report

Community Development Committee



Committee Meeting Date: March 4, 2024

For the Metropolitan Council: March 13, 2024

Business Item: 2024-36

Scott County Sand Creek Township Valley View Drive Comprehensive Plan Amendment, Review File 21936-5

Proposed Action

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

1. Authorize Scott County to place its comprehensive plan amendment into effect.
2. Revise the County's employment forecasts upward as shown in Table 1 of the attached Review Record.
3. Advise the County to implement the advisory comments in the Review Record for regional parks and trails and transportation.

Summary of Community Development Committee Discussion/Questions

Planning Analyst, Raya Esmæili presented the staff's report to the Committee. Brad Davis, Scott County Planning Manager, was present, along with City of Jordan's Mayor, Mike Franklin, City Administrator, Tom Nikunen, and Planner, T.J. Hofer. Council member Wulff highlighted the conflict between the proposed project for the site and the City of Jordan's long-range service plans. Specifically, she expressed concerns about a lack of regional policies to help protect growth areas around rural centers, emphasizing the need for regional planning to safeguard investments in infrastructure and sustainable development. Mayor Franklin suggested that the project is incompatible with *Thrive MSP 2040* policies regarding preservation of natural areas and protection from premature development. He advocated for rejecting the amendment to allow continued orderly annexation discussions and prevent setting a precedent for future cooperation within the County. Council member Johnson inquired about the County's ability to impose a moratorium to allow time for evaluation. Brad Davis responded that while the County has the authority to enact a moratorium on comprehensive plan amendments, it did not pursue this option for the case in question, as it was not discussed or proposed by the County Board, and instead processed it similar to other amendments. Council member Johnson further inquired about the Council's response timeline to evaluate other potential options to convene a meeting the parties, emphasizing the significance of being specific about dates and authority to ensure clarity on what actions the Council can legally take. Council member Vento recommended a potential mediation session. Council member Barber acknowledged the complexity of the situation, expressed doubt in effectiveness of additional time for mediation, and suggested that existing policies might not sufficiently support the kind of growth the region seeks, especially for rural centers. She emphasized the need for the Council to reevaluate its policies to better include and support rural centers. The Community Development Committee unanimously recommended approval of the proposed action at its meeting on March 4, 2024.

Business Item

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Scott County Sand Creek Township Valley View Drive Comprehensive Plan Amendment, Review File 21936-5

District(s), Member(s):	District 4, Deb Barber
Policy/Legal Reference:	Metropolitan Land Planning Act (Minn. Stat. § 473.175)
Staff Prepared/Presented:	Raya Esmaeili, Policy Analyst (651-602-1616) Angela R. Torres, Senior Manager (651-602-1566)
Division/Department:	Community Development / Regional Planning

Proposed Action

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

1. Authorize the Scott County to place its comprehensive plan amendment into effect.
2. Revise the County's employment forecasts upward as shown in Table 1 of the attached Review Record.
3. Advise the County to implement the advisory comments in the Review Record for regional parks and trails and transportation.

Background

Scott County submitted the Sand Creek Township Valley Drive Corridor comprehensive plan amendment on December 12, 2023. The amendment proposes to reguide 430 acres from Urban Business Reserve to a mixture of Rural Business Reserve, Transition Area, and Parks/Open Space located along Highway 169 and Valley View Drive, just outside of the boundary of the City of Jordan. The purpose of the amendment is to accommodate business uses and outdoor storage served by onsite septic and private wells. This is the County's fourth amendment to its 2040 Comprehensive Plan.

Rationale

The proposed amendment conforms to regional system plans and is consistent with Council policies. The proposed amendment is incompatible with the City of Jordan's long-term sewer service expansion, but is compatible with the plans of other local communities and school districts.

Thrive Lens Analysis

The proposed amendment 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.



REVIEW RECORD

Scott County

Sand Creek Township Valley View Drive Corridor Comprehensive Plan Amendment

Review File No. 21936-5, Business Item No. 2024-36

BACKGROUND

Scott County is located in southwestern portion of the Twin Cities metropolitan area, south of Hennepin and Carver Counties, and west of Dakota County. Scott County has planning authority for all the 10 townships within its borders, including the townships of Blakeley, Belle Plaine, Cedar Lake, Jackson, Louisville, New Market, Helena, Spring Lake, St. Lawrence, and Sand Creek.

Thrive MSP 2040 (Thrive) designates the County as seven different community designations including: Suburban, Suburban Edge, Emerging Suburban Edge, Rural Centers, Diversified Rural, Rural Residential, and Agricultural (see Figure 2). The Council forecasts from 2020 to 2040 that the County will grow from 158,860 to 211,750 population and 56,400 to 78,200 households. The Council also forecasts that between 2020 and 2040, the County’s employment will increase from 55,300 to 69,540 jobs.

The Metropolitan Council reviewed the Scott County 2040 Comprehensive Plan (Plan) ([Business Item 2019-118](#), Review File No. 21936-1) on June 12, 2019. This is the fourth comprehensive plan amendment since the 2040 Plan was reviewed.

REQUEST SUMMARY

Scott County submitted the Sand Creek Township Valley View Drive Corridor comprehensive plan amendment on December 12, 2023. The amendment proposes to reguide 430 acres from Urban Business Reserve to a mixture of Rural Business Reserve, Transition Area, and Parks/Open Space located along Highway 169 and Valley View Drive, just outside of the boundary of the City of Jordan. The purpose of the amendment is to accommodate business uses and outdoor storage served with onsite septic and private wells. This is the County’s fourth amendment to its 2040 Plan.

OVERVIEW

Conformance with Regional Systems

The amendment conforms to the Regional System Plans for Parks, Transportation (including Aviation), and Wastewater, with no substantial impact on, or departure from, these plans.

Consistency with Council Policies

The amendment is consistent with the *Thrive MSP 2040*, with the *Housing Policy Plan*, with water resources management, and is consistent with Council forecasts with proposed adjustments.

Compatibility with Plans of Adjacent Jurisdictions

The amendment is incompatible with the City of Jordan’s long-term plan for provision of water and sewer outside of its jurisdictional boundary. The amendment will not have an impact on other adjacent communities, school districts, or watershed districts, and is compatible with the plans of those districts.

PREVIOUS COUNCIL ACTIONS

1. The Council acted on the 2040 Plan on June 12, 2019 ([Business Item 2019-118](#), Review File No. 21936-1).
2. The Council administratively reviewed the Diamond W LLC amendment on December 18, 2020 (Review File No. 21936-2). The amendment reguided approximately 5 acres from Urban Expansion to Commercial located east of Louisville Road and south of Chestnut



- Boulevard in Louisville Township.
3. The Council administratively reviewed the Unified Management Plan amendment on February 2, 2022 (Review File No. 21936-3). The amendment proposed to incorporate the recently completed Unified Transit Management Plan (UTMP) 2020-2021, an update to the 2005 transit plan including a range of transit and mobility solutions for the next 15 years, into the 2040 Plan.
 4. The Council administratively reviewed the Camping World amendment on March 21, 2023 (Review File No. 21936-4). The amendment regulated 2.85 acres from Industrial to Commercial located between Greenstone Lane and Highway 169 in Sand Creek Township.

ISSUES

- I. Does the amendment conform to the regional system plans?
- II. Is the amendment consistent with *Thrive MSP 2040* and other Council policies?
- III. Does the amendment change the County's forecasts?
- IV. Is the amendment compatible with the plans of adjacent local governmental units and affected jurisdictions?

ISSUES ANALYSIS AND FINDINGS

Conformance with Regional Systems

The amendment conforms to the regional system plan for Regional Parks, Transportation, and Wastewater, with no substantial impact on, or departure from, these system plans. Additional review comments are included below.

Regional Parks

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

The proposed amendment conforms to the *2040 Regional Parks Policy Plan*. There are no units of the Regional Parks System in the vicinity of proposed land use change (see Figure 1). The closest regional park system component is the planned Spring Lake Regional Trail, which is approximately 0.9 mile west of the site, in the City of Jordan. The proposed land use change will not impact the planned Spring Lake Regional Trail.

Advisory Comments

The Minnesota Valley National Wildlife Refuge is adjacent to the amendment site, just northeast of Valley View Drive. Any future development in the amendment area should be coordinated with the U.S. Fish and Wildlife Service, the agency that manages the Minnesota Valley National Wildlife Refuge, to ensure there are no adverse impacts to the wildlife refuge.

Wastewater Service

Reviewer: Kyle Colvin, Environmental Services (ES) – Wastewater Planning and Community Programs (651-602-1151)

The proposed amendment conforms to the *2040 Water Resources Policy Plan (WRPP)*. The amendment proposes a land use change for 430 acres to accommodate a proposed development for a mixed indoor/outdoor storage business use that will be provided wastewater services via on-site septic system(s).

The site is located immediately east, and adjacent to the City of Jordan's wastewater treatment facility. The City's 2040 comprehensive sewer plan indicates that it intends to continue providing wastewater services through its current facility until 2040, without any plans to pursue regional wastewater services during this planning period. There is currently no orderly annexation agreement (OAA) between the City and Sand Creek Township covering these properties. The Council's wastewater system plan does not reflect regional service to either the City or Township within the 20-year planning horizon (2040), and therefore the development of this area of the township, on septic systems, does not represent an impact to or departure from the system plan. Due to the non-residential nature of the proposed development, any future (post 2040) regional

wastewater service considerations would not be impacted by this development as those considerations pertain to Council policy for minimum sewer residential densities.

Transportation

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

The proposed amendment conforms to the *2040 Transportation Policy Plan (TPP)*. The amendment accurately responds to updates to the TPP. The proposed amendment is not anticipated to have an impact on the regional transportation system. Minnesota Department of Transportation (MnDOT) and Scott County are currently working on a project connecting Valley View Road to Jordan Avenue to the north, where many rural businesses currently operate. This project will allow for improved access to the amendment site without adding additional access to Highway 169.

Advisory Comments

Council staff recommends that improvements be made to Valley View Road prior to any future development, as also referenced in the County’s amendment report. This should encompass safety enhancements at the existing at-grade rail crossing to accommodate increased traffic to the subject parcels.

Consistency with Council Policy

The amendment is consistent with Council policies for forecasts, land use, housing, sub-surface sewage treatment systems, and water supply. Additional review comments are detailed below.

Forecasts

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

County staff requests increases of the employment forecast. An updated employment forecast is necessary for two key reasons. The previously approved and published forecast projected employment levels in Sand Creek Township to reach 360 jobs by 2030 and 380 jobs by 2040. However, actual employment in the Township has consistently surpassed these estimates since 2017, with Minnesota Department of Employment and Economic Development (DEED) recording 440 jobs in 2020 and 524 jobs in 2022. Moreover, Council staff find that the rural business land guidance would most likely accelerate development timelines. Consequently, Council staff recommended and the County agreed to the following employment forecast revisions, as shown in Table 1 below (revised numbers underlined).

Table 1. Metropolitan Council, Scott County Forecasts

Category	Census 2020	Current Approved Forecast			Revised Forecast		
		2020	2030	2040	2020	2030	2040
Population	150,928	158,860	185,520	211,750	158,860	185,520	211,750
Households	52,645	56,400	67,340	78,200	56,400	67,340	78,200
Employment	48,437	55,300	62,790	69,540	<u>55,400</u>	<u>62,980</u>	<u>69,810</u>

Thrive MSP 2040 and Land Use

Reviewer: Raya Esmaeili, CD – Local Planning Assistance (651-602-1616)

The Plan, with the proposed amendment, is consistent with the land use policies in *Thrive MSP 2040 (Thrive)*. Thrive identifies seven different community designations in the County, including Suburban, Suburban Edge, Emerging Suburban Edge, Rural Center, Diversified Rural, Rural Residential, and Agricultural. The amendment site is located in Sand Creek Township, within the area designated as Diversified Rural (see Figure 2). 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. They 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 amendment proposes to change the land use of a 430-acre site from Urban Business Reserve to a mixture of Rural Business Reserve, Transition Area, and Parks/Open Space (see Figure 3). The purpose of the amendment is accommodate business uses and outdoor storage with onsite septic and private well. Since the proposed uses can be accommodated on rural service levels and



do not include any residential developments, the County's Plan with the amendment remains consistent with the Council's regional land use policies.

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

The proposed amendment reveals compatibility issues with the City of Jordan's plan for growth. The City has identified concerns regarding the amendment's potential to hinder future urban development within its planned service area and opposes the land use change.

The City of Jordan argues that the proposed land use change and development would obstruct the future growth of the city within its long-term rural service area. The City has plans to extend water and sewer infrastructure along Highway 169 to serve a larger area in its northeastern growth boundary, envisioning eventual annexation and urban service provision to these lands. Conversations between the City of Jordan and Sand Creek Township to establish an Orderly Annexation Agreement (OAA) between the two jurisdictions have not been successful. In the absence of an OAA, the City does not have planning authority within the Township's boundary and cannot control land use planning in the area outside the City's boundary.

In response to this conflict, the City of Jordan adopted a resolution on December 11, 2023, extending their subdivision regulations two miles beyond the City's boundaries (Minn. Stat. § 462.358 sub. 1a). Minnesota statute allows a city to extend its subdivision ordinance into an unincorporated area, if the unincorporated jurisdiction does not have its own adopted subdivision ordinance. While the County is the planning and zoning authority in Sand Creek Township, the Township has not independently adopted a subdivision ordinance, including the County's subdivision ordinance. The question arises whether the Township can now adopt the County's ordinance by reference. This is a legal question that should be resolved between the City of Jordan and Sand Creek Township.

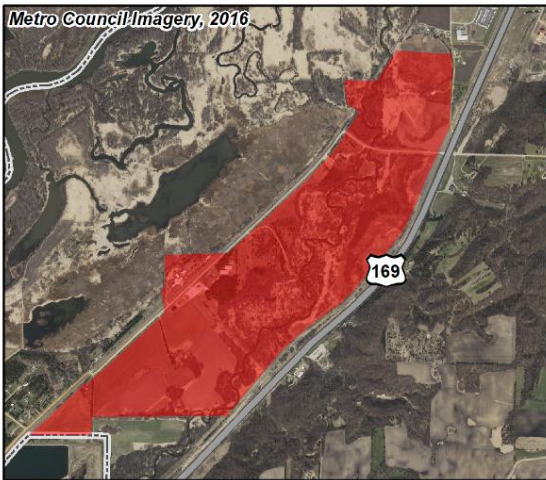
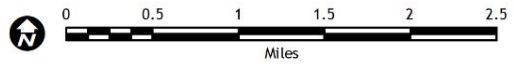
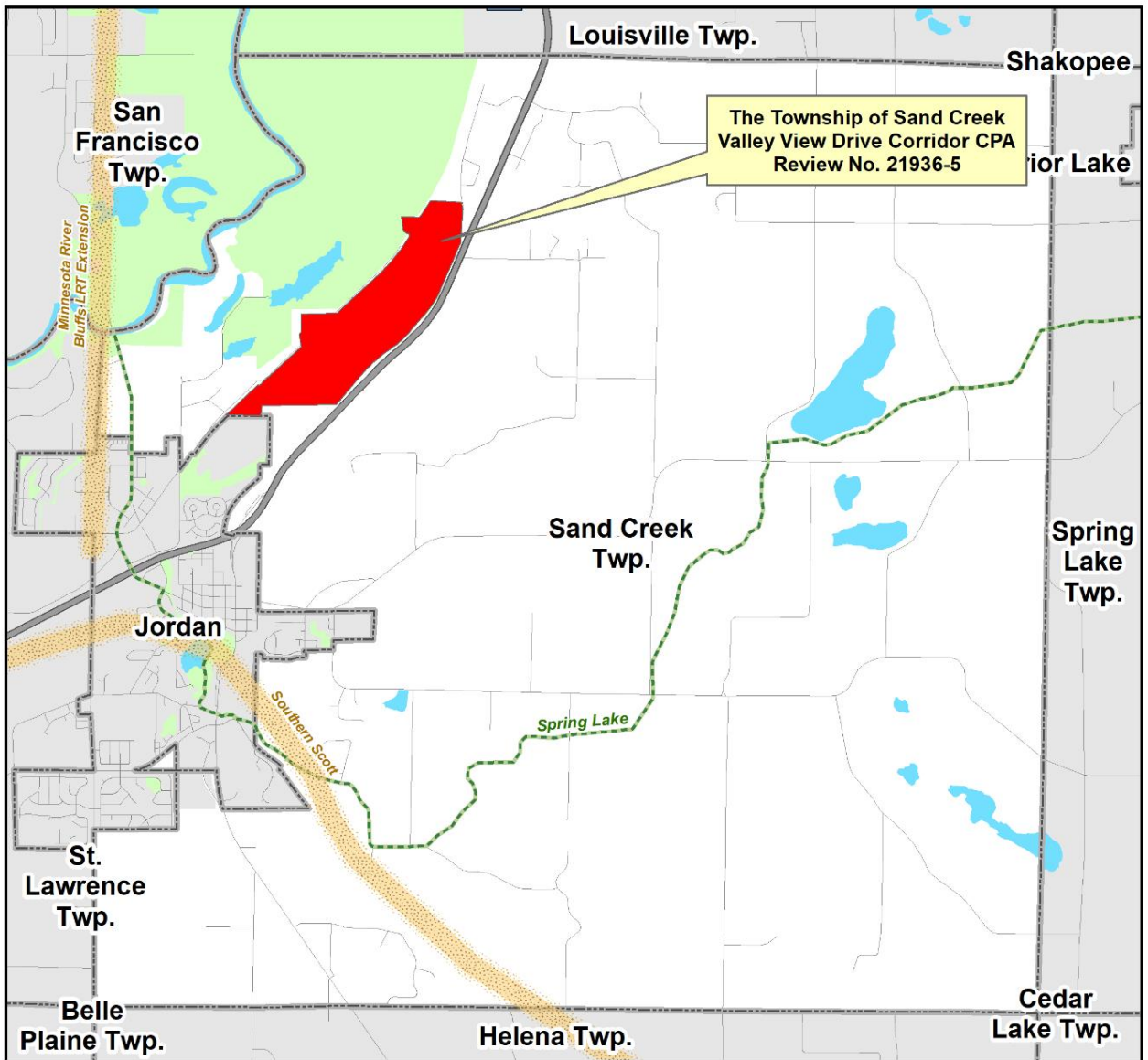
In addition to impediments to local service expansion, the City believes this amendment could have regional impacts, particularly on wastewater systems. As detailed under the wastewater section of this review record, Council staff have analyzed the proposed amendment and determined that it does not have an impact on regional systems, including wastewater, and is consistent with Council's policies. Based on and as authorized in the City's 2040 Plan, the Council does not plan to extend regional service to this area within the current planning horizon (through 2040).

While acknowledging local opposition to this land use change, Council staff suggested that Jordan and Sand Creek Township could explore an Intercommunity Service Agreement for water and sewer provision to align future development with urban growth expectations. Such an agreement would allow the development of the area to move forward with urban services, aligning the pattern and extent of development with the City's long-term plans. However, at the time of this report, neither jurisdiction had pursued this suggestion.

ATTACHMENTS

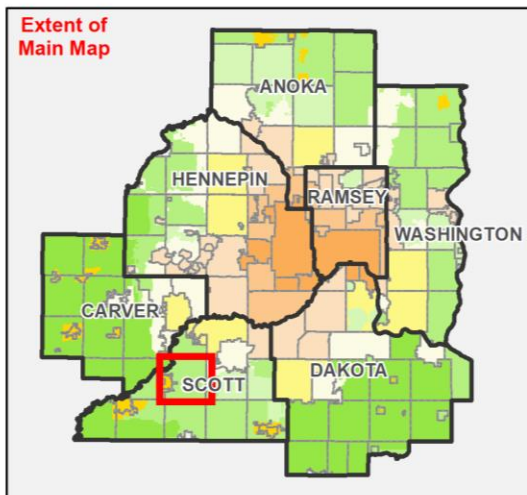
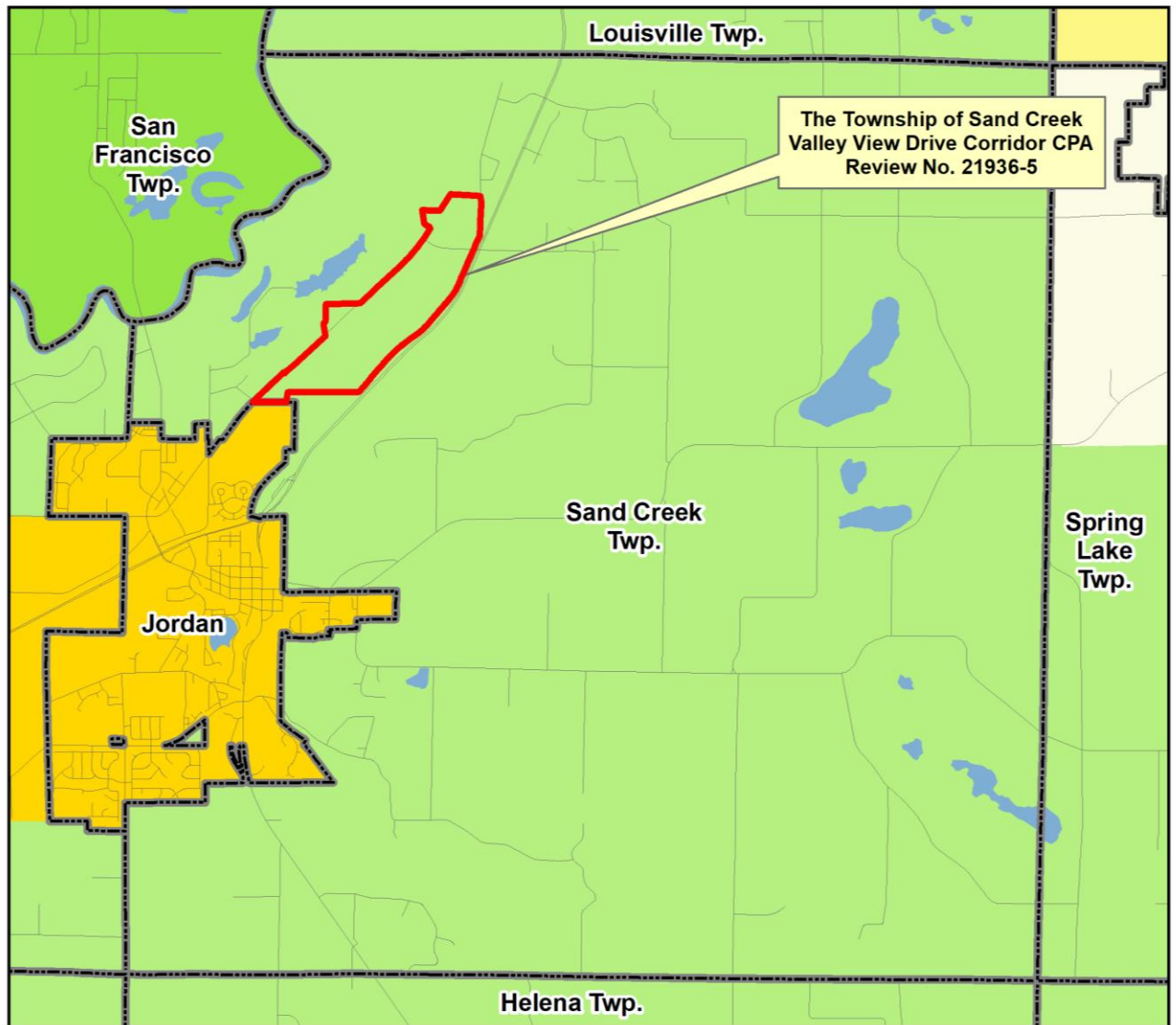
- Figure 1: Location Map Showing Regional Systems
- Figure 2: Location Map Showing Community Designations
- Figure 3: Current and Proposed Land Use Guiding

Figure 1. Location Map Showing Regional Systems



- Regional Systems**
- Regional Transitways**
 - Existing
 - Planned Current Revenue Scenario
 - Potential Increased Revenue Scenario
 - Wastewater**
 - Meters
 - MCES Interceptors
 - Lift Stations
 - MCES Treatment Plants
 - Regional Highway System**
 - Interstates
 - US Highways
 - State Highways
 - County Roads
 - Road Centerlines
 - Regional Parks**
 - Existing (Open to Public)
 - In Master Plan (Not Open to Public)
 - Planned Units
 - Other Parks, Preserves, Refuges and Natural Areas
 - Regional Trails**
 - Existing (Open to Public)
 - Existing (Not Open to Public)
 - Planned Regional Trails
 - Regional Trail Search Corridors

Figure 2. Location Map Showing Community Designations



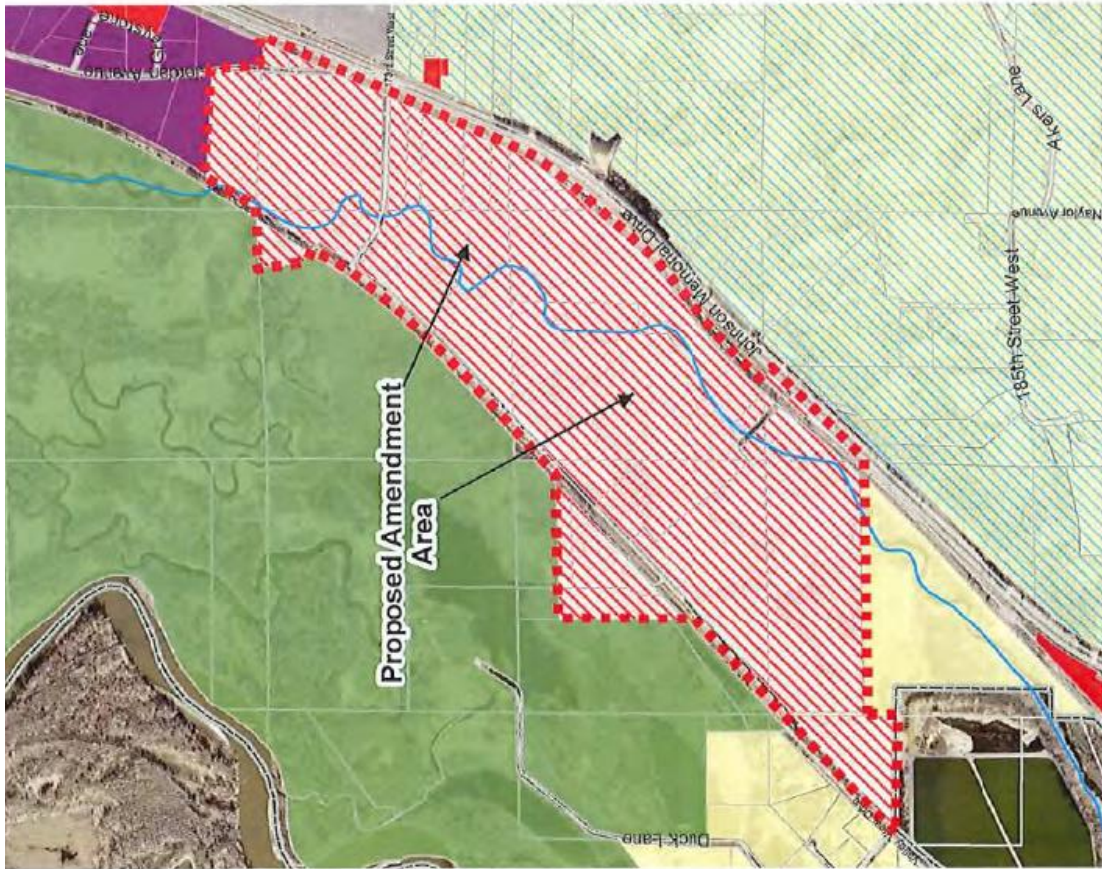
ThriveMSP 2040 Community Designations

- Agricultural
- Rural Residential
- Diversified Rural
- Rural Center
- Emerging Suburban Edge
- Suburban Edge
- Suburban
- Urban
- Urban Center

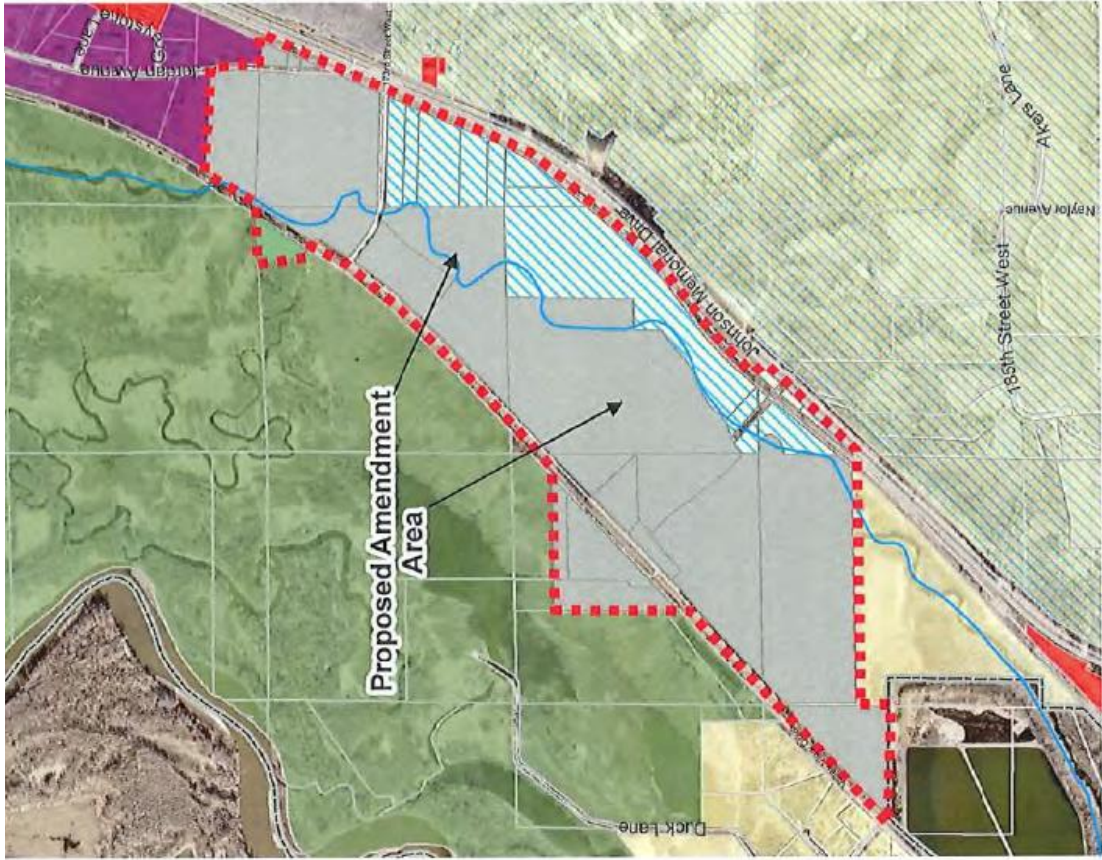


Figure 3. Current and Proposed Land Use Guiding

Current Land Use Guiding



Proposed Land Use Guiding



- Agricultural Preservation (1 per 40)
- Urban Expansion (1 per 40)
- Transition Area (1 per 10 cluster)
- Rural Residential Reserve (1 per 10)
- Rural Residential Reserve (1 per 2.5)
- Park/Open Space
- Commercial
- Industrial
- Rural Business Reserve
- Urban Business Reserve
- Hamlet Mixed Use Overlay
- (Not Under County Planning Authority)
- Roads
- Lakes
- Rivers & Streams