

**RESOLUTION ADOPTING ADMINISTRATIVE LAW JUDGE’S FINDINGS OF FACT,  
CONCLUSIONS AND RECOMMENDATION REGARDING THE CITY OF OAK  
GROVE’S PROPOSED AMENDMENTS TO ITS SYSTEM STATEMENT**

**RESOLUTION NO. 2016-\_\_\_\_\_**

**WHEREAS**, pursuant to Minnesota Statutes sections 473.175, and 473.852 through 473.871 (the Metropolitan Land Planning Act (“MLPA”)) the Metropolitan Council (“Council”) issued system statements in September of 2015 to townships, cities, and counties which will review and update their local comprehensive plans pursuant to the decennial review provisions of the MLPA; and

**WHEREAS**, pursuant to section 473.857 of the MLPA, a local governmental unit with a disagreement over the contents of its system statement may request a non-contested case hearing before an Administrative Law Judge (“ALJ”); and

**WHEREAS**, the City of Oak Grove (“City”) proposed to amend its 2015 system statement by changing the designation of the southeast corner of the City from Diversified Rural to Rural Residential and removing references to that portion of the City as being included in the long-term wastewater service area of the East Bethel wastewater treatment facility; and

**WHEREAS**, the City requested a hearing before an ALJ to consider the City’s proposed amendments to its system statement within the 60-day statutory period; and

**WHEREAS**, section 473.857 states that the hearing “shall not consider the need for or reasonableness of the metropolitan system plans or parts thereof”; and

**WHEREAS**, the City and the Council agreed to extend the time for the ALJ to hear the matter; and

**WHEREAS**, on March 15, 2016, the ALJ conducted a hearing and received testimony and evidence regarding the City’s proposed amendments to its system statement; the City and the Council submitted pre- and post-hearing briefs and proposed findings, conclusions, and recommendations, and the ALJ closed the record on April 11, 2016; and

**WHEREAS**, after reviewing the record and proposed findings, the ALJ issued his Findings of Fact, Conclusions of Law, Recommendation and Order dated May 10, 2016, along with a memorandum; and

**WHEREAS**, the ALJ concluded that the City’s requested amendment was “an impermissible challenge to the need for or reasonableness of a part of a metropolitan system plan” and recommended that the Council deny the system statement amendments proposed by the City; and

**WHEREAS**, section 473.857 states that the Council “by resolution containing findings of fact and conclusions, shall make a final determination respecting the proposed amendments” within 30 days after receiving the ALJ’s report; and

Proposed Resolution

**WHEREAS**, LisaBeth Barajas and Ann Bloodhart presented the ALJ’s report to the governing body of the Council at the Council’s June 1, 2016 Committee of the Whole meeting; and

**WHEREAS**, the City had an opportunity to present its position at the June 1, 2016 Committee of the Whole meeting; and

**WHEREAS**, the ALJ’s findings, conclusions, recommendation and memorandum, and the complete record of the hearing, were available for review by Metropolitan Council members prior to their consideration and voting on the matter.

**NOW, THEREFORE, BE IT RESOLVED THAT:**

The Metropolitan Council:

a) Adopts as its own the Findings of Fact, Conclusions of Law, and Recommendation made by the ALJ regarding the City’s proposed amendments to its 2015 System Statement with the following clarifications:

- 1) Replace the last sentence of Finding of Fact No. 9 with the following: “Importantly, the comprehensive development guide and system plans include planning expectations of local government.”
- 2) In Finding of Fact No. 11, replace “40 years” with “25 years.”
- 3) In Finding of Fact No. 44, replace “policy of 1 unit per acre for Diversified Rural areas” with “policy of 1 unit per 10 acres for Diversified Rural areas.”
- 4) Replace the first sentence of Finding of Fact No. 66 with “The city of Nowthen was originally planned to be served by the Metropolitan Wastewater Treatment Plant via facilities in Ramsey.”
- 5) Replace the last sentence of Finding of Fact No. 67 with “Therefore, the Council constructed a wastewater treatment facility that initiated service to East Bethel in July 2014 and is expected to provide service to Oak Grove post 2040.”

b) Denies the system statement amendments proposed by the City pursuant to Minnesota Statutes section 473.857, as an impermissible challenge to the need for or reasonableness of a part of the Council’s adopted metropolitan system plan for regional wastewater treatment.

Adopted this 8<sup>th</sup> day of June, 2016.

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Adam Duininck, Chair

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Emily Getty, Recording Secretary