



MEMORANDUM

TO: Phil Kern

FROM: Alan Brixius

DATE: April 7, 2009

RE: Delano – Independence 2030 Comprehensive Plan Review

FILE NO: 432.08 – 09.02

All communities located within the Seven County Metropolitan County Area are required to update their Comprehensive Plan every ten years. Their Comprehensive Plan must be consistent with regional planning directives of the Metropolitan Council per the 2030 Regional Development Framework, 2004. Prior to submission of their Comprehensive Plan to the Metropolitan Council, all metro communities must forward their plans to all surrounding communities and affected agencies.

Independence has forwarded their plan to Delano for review. In our review of the Independence Comprehensive Plan, the only issue of concern affecting Delano is the placement of 60 acres of urban commercial at Delano's eastern boundaries. This land use designation is contrary to the rural reserve land use proposed for the western two-thirds of Independence.

Delano has had discussions to provide utilities to accommodate urban commercial, however, these discussions failed to produce an agreement for services. Absent the availability of urban services, staff has drafted a review letter that states the introduction of urban commercial at this time is premature and should not be approved. We are requesting that the land use for these 60 acres along Delano's eastern boundary remain rural reserve, consistent with the balance of the western portion of Independence.

The letter is attached for review of the Planning Commission and City Council. We can make any additions of modifications deemed appropriate.

cc: Marlene Kittock
Wendy Biel
Mark Johnson
Vince VanderTop

DRAFT - DRAFT - DRAFT

April 7, 2009

Ms. Toni Hirsch
City Administrative Offices
1920 County Road 90
Independence, MN 55359

RE: Independence 2030 Comprehensive Plan Update

Dear Ms. Hirsch:

Thank you for providing Delano the opportunity to review and comment on the Independence 2030 Comprehensive Plan Update. The Independence 2030 Comprehensive Plan proposes approximately 60 acres of urban commercial along Delano's eastern boundary. The plan describes urban commercial as follows:

Urban Commercial

A 60-acre area along T.H. 12 in the western part of the City is designated commercial to allow the shopping center to the west to expand into Independence. No other community commercial services are provided within the municipal limits of Independence to avoid duplication of existing and future services provided in the City of Maple Plain and Delano. This area will be master-planned and served with sanitary sewage treatment, water and storm sewer.

While the land use description indicates that the area will be master-planned and served with sewer treatment, water, and storm sewer, there have been preliminary discussions regarding sharing Delano's municipal utilities and no definite plans or agreements exist. Until such agreement is put in place, the City of Delano must object to the urban commercial land use designation for the following reasons:

1. **Inconsistency with 2030 Regional Development Framework.** Page 37 of the Independence 2030 Comprehensive Plan indicates that "the 2030 Regional Development Framework identifies the western two-thirds of the City as agricultural and roughly the eastern third as diversified rural." The 2030 Regional Development Framework, January 14, 2004, describes agricultural areas as:

“In the agricultural areas, the Council will focus existing regional incentives and assist with local initiatives to preserve high quality soils for existing or future agricultural use. Investments in regional infrastructure such as roads, wastewater treatment, and parks and open space will be for rural levels of service consistent with the intent to maintained agriculture. Growth in the agricultural areas should be consistent with regional forecasts.”

As the Metropolitan Council updates its system plans, the feasibility of providing regional services in response to potential development of agricultural areas post 2030 will be examined. With regional service not anticipated prior to 2030 and without an agreement for municipal services through Delano, the introduction of “urban commercial” land uses within this agricultural designated area is premature.

2. **Utilities.** Delano has utilities extended to the border of this area. These utilities have the capacity to serve the proposed commercially guided area if a service agreement can be negotiated. Absent such an agreement, Independence does not have access to metropolitan regional utilities and the City has not demonstrated that the area of this size can be served by private wells and sewer.

The area includes a large area of wetlands. No information has been provided with regard to private utility design, soil conditions, impact on wetlands, or impact on downstream ground water.

No information has been provided that demonstrates a private well can provide adequate water supply for day-to-day use or fire protection. The site is served by the Delano Fire Department.

The City of Delano is also very concerned with the City of Independence’s ability to monitor, manage, or require maintenance of large private systems to protect against system failure and potential environmental impacts for both cities.

3. **Stormwater.** The urban commercial land uses along Delano’s boundaries are located in the South Fork Crow River Watershed. This urban commercial area’s drainage flows west through developed portions of Delano to reach the Crow River. The change in land use from Rural Reserve to Urban Commercial and will significantly increase the impervious coverage of the area and increasing volumes of stormwater generated by the site.

No information has been provided to indicate how stormwater will be managed on the site related to water quality, water volume, or rate control. No analysis has been undertaken to determine if Delano’s downstream stormwater

infrastructure is of a size or condition to accommodate additional stormwater from this area.

Due to the size and proximity of the site, if stormwater issues result, the burden of correction will likely fall to Delano, who has no authority over the development in the City of Independence.

4. **Traffic.** Access to the 60 acre urban commercial land use area may be provided via a direct right-in/right-out access from Highway 12 and a primary full access from County Line Road.

Independence has limited, sparse development surrounding the site that may be marginally impacted by increased traffic to the area, whereas Delano has Urban Commercial areas and Urban Residential neighborhoods in close proximity to the site which will be greatly impacted by traffic congestion and traffic traveling onto Delano's local streets.

County Line Road is a border road that is shared by Delano and Independence. Improvements to accommodate a high traffic generating commercial area along this street must be coordinated between the two municipalities. These improvements must address:

- a. County Line Road
- b. County Line Road / St. Peter Avenue Intersection
- c. County Line Road / Highway 12 Intersection
- d. County Line Road / Johnson Street Intersection
- e. Railroad Crossing
- f. Impacts to Site Access Along St. Peter

The Independence 2030 Comprehensive Plan identifies County Line Road as a local street. No description of improvement has been provided in anticipation of the proposed "urban commercial development."

5. **Zoning.** Page 88 of the Independence 2030 Comprehensive Plan indicates that the City needs to create and implement urban commercial and urban residential zoning districts. These zoning districts must be applied to the Independence zoning map, consistent with the approved land use plan.

Absent any plans for sanitary sewer, water, stormwater management, and transportation issues, how will the urban commercial zoning district be applied?

Ms. Toni Hirsch, City of Independence
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The introduction of 60 acres of urban commercial land use along Delano's boundary is inconsistent with the 2030 Regional Development Framework. This land use change in an isolated portion of Independence will have a greater impact on the City of Delano than Independence with regard to land use compatibility, environmental impacts, traffic, stormwater utilities, and municipal services. Without a demonstration that these impacts can be mitigated to the satisfaction of both cities, both at time of development and in the future, the proposed land use change is premature. This portion of Independence should remain designated as a rural reserve land use consistent with the balance of western Independence.

Sincerely,

CITY OF DELANO

Joe McDonald
Mayor

pc: Roger Scherer, Metropolitan Council (roger.scherer@metc.state.mn.us)
Freya Thamman, Metropolitan Council (freya.thamman@metc.state.mn.us)