

ITEM:

Public Hearing: 2040 Comprehensive Plan Update

PREPARED BY:

Tina Goodroad, City Administrator/Development Director

BACKGROUND/OVERVIEW:

The City of Dayton has completed its 2040 Comprehensive Plan update. A Comprehensive plan is a long-term guide for future growth and development of a city. State statute requires communities to update their plan every 10-years. Major elements include land use, transportation and plans for parks and trails. Twelve chapters have been prepared based on check list requirements set by the Met Council.

The Planning Commission has previously reviewed the chapters prior to the jurisdictional review which concluded at the end of August. Some highlights of changes since updates in 2014 update:

Land Use:

A significant update was adopted in 2014 when some land uses in southwest Dayton were changed to create additional land for future industrial development. Mixed Use areas were also created in 2014 south of I-94 and along Balsam Lane in northeast Dayton.

The 2040 amendment resulted in only two new land use type designations (Rural Estate and Master Planned Development). Areas previously guided Urban Reserve in the 2030 Plan have also been changed to reflect either a future land use (at time of sewer development) or reflect existing development pattern. Land area south of 125th along the east side of Fernbrook Lane has been guided for future Medium Density. This designation will not be realized until future sewer redevelopment occurs. The Rural Estate designation is applied to existing neighborhoods that have developed as larger estate lots on private septic. These platted developments were approved with the intention of providing for a rural style unsewered lot and neighborhood. The development pattern is not well suited to expand sewer and water infrastructure efficiently due to the lot size, presence of wetlands, woodlands, location of principle building and in *some* areas proximity of existing sewer. As these lots are on private septic they will not be included in overall density calculations.

As you recall this designation was added to the neighborhood along Berkshire Lane (Diamond Hill Estates). The neighborhood is somewhat divided in terms of wanting the ability to further subdivide while others are not in favor. It should be noted that a future comprehensive plan amendment can be applied for by any owner. As another alternative a transitional land use --- could be considered for these non-sewered areas that abut or in close proximity to sewer (low density areas) as an optional designation that would allow for some sewer divisions but at a transitional density level as a comprehensive plan amendment. The amount of land which could be regarded as a Rural Sewered designation is limited as the lower density of this type of district would impact our city-wide density.

The new Master Planned Development land use designation is a unique land use that will allow the city to work with a developer to create master planned community of approx. 500 acres. The master plan is expected to include a mix of residential density and types coupled with neighborhood commercial uses. The City will be expecting the development to provide unique community amenities and dedicated park land. A specific zoning district will be created for the master plan development and the minimum residential density will be at least 3 units/acre.

All residential land uses, and minimum densities average out to 3.03 units per acre meeting the Met Council minimum requirement for emerging suburban edge communities.

Staging:

The Met Council requires cities to provide the anticipated rate of growth based on ten-year increments (Staging Plan). The Staging Plan was developed to guide the contiguous pattern of growth based on current development patterns and availability of infrastructure. The Staging Plan illustrates the city's "serviced areas" or parcels with sewer. In the 2030 plan these parcels were included in "current". The staging plan identifies "developing" parcels which have already received concept plan, preliminary or final plat approval. The "Current" staging category is all remaining developable land in closest proximity of sewer service. It is the city's desire that this land be developed prior to opening the next staging area.

Since the 2030 plan, Dayton has chosen to create a more realistic staging plan with fewer acres in the 2020, and 2030 staging areas. We have also added 2040 and post 2050. The staging plan is updated every ten years to reflect the extension of sewer (based on sewer development). It should be noted that no property is required to develop. The staging lines reflect the best estimate of when sewer may be available but is dependent on development and timing cannot be guaranteed. The council's goal has been to carefully include just enough developable land in the next staging year to meet growth projections. The 2020-2030 staging year does that by providing area that *could* support 2,129 units. Again, the timing of growth is not only dependent on the city's staging but also on the market as development (residential and non-residential) is required for the extension of municipal sewer and water not the city.

Transportation:

This chapter has numerous check list items that have all been completed. An abundance of work went into transportation plans in southwest Dayton including small area plans that detail extension on Dayton Parkway as well as possibilities for other local road connections. These plans are important as the city works with property owners and developers of vacant land to define necessary roadway improvements.

Park and Trails:

This chapter provides for long range planning for park and trail needs. The plan identifies search areas for new parks and trails with connections to each park as well as to Elm Creek Park Reserve. The city uses this plan to determine whether park land dedication is required based on location of the future develop versus cash in lieu.

Water Chapters:

Remaining sewer, water and stormwater chapters and related appendix items are all prepared to meet Met Council checklists.

All chapters have been on-line with a fillable comment form available to serve as a virtual “open house” plan review. We also sent letters to property owners impacted by a land use or staging change. Over 600 letters were sent, mostly due to changes in staging (plan is more conservative than 2030). We have received one new comment as of 8/27/2020 (however half a dozen residents did call for clarifications).

PLANNING COMMISSION REVIEW/PUBLIC HEARING:

The Planning Commissions role is to hold a public hearing and upon hearing and review all comments make a recommendation to the council. The commission has previously received and reviewed the chapters/plans.

Option 1. Recommend approval to the City Council of the 2040 Comprehensive Plan Update

This recommendation can be made with any changes the Planning Commission identifies.

Option 2. Table item.

The Planning Commission could table action on the item and direct staff to provide additional information for the Planning Commission future recommendation

ATTACHMENT(S):

Berkshire Neighborhood Letters

Comprehensive Plan Public Comments

Jurisdictional Reviews

- Corcoran
- Maple Grove
- Hennepin County
- Three Rivers Park District
- DNR

Chapters can be found at <https://cityofdaytonmn.com/departments/planning-zoning/>



Berkshire Lane – Land Use Memo

To: Mayor and City Council Members

From: Tina Goodroad, City Administrator and Development Director, and

Alec Henderson, Planner

Subject: Direction and discussion regarding possible land use guidance alternatives for Berkshire Lane properties

Background

Neighborhood Context

The Berkshire Lane neighborhood was platted as Diamond Hill Estates in 1993 (Pre Plat Res. No. 21-93, Final Plat Res No. 37-93). Diamond Hill Estates consists of 11 lots which are all approximately 10 acres in size (include road ROW). The development would have occurred when the Agricultural Lot Sizes were 1 unit per 10 acres (including ROW).

In 2007, the Council approved, by Res. No. 65-2007, a sewer and water extension specifically to the Weidema property at 13990 Berkshire Lane N (Lot 1, Block 2 Diamond Hill Estates). The Weidema residence has since connected to sewer and water.

Land Use

In 2018, the Weidema family requested a 2030 Land Use Amendment for their property at 13990 Berkshire Lane to reguide the property from Urban Reserve to Low Density Residential. Urban Reserve is a 2030 Land Use designation which reserves areas which may not be *currently* good candidates for further subdivision due to the size and existing conditions of the land, but may be candidates for subdivision in the future (possibly as infill development after). The 2030 Low Density Residential designation is a sewer district which allows residential development of a minimum of 2.3 units per acre. The Council denied this Land Use amendment as the 2040 Plan was being drafted.

Discussion

The 2040 Plan has been sufficiently drafted to address land use designation questions prior to final submittal to the Met Council. We should expect a similar request by the Weidema family to re-guide their land at 13990 Berkshire to Low Density Residential (2040 Plan density between 2 and 5 units an acre). However, a significant number of Berkshire residents feel the Rural Residential designation for Berkshire Lane is a more fitting designation as it recognizes the existing neighborhood as it is currently developed (large rural residential estate lots). While Cities have statutory authority over Land Use and Zoning, Councils may take into account interest group opinions when making land use decisions. This is a policy decision that should be made prior to submission of the 2040 Comp Plan to the Met Council.

The Diamond Hills development area has a significant amount of wetlands (approximately 40 acres), significant improvements (larger homes, driveways, outbuildings) which are not uniformly placed (ie Wildwood Springs has generally uniform placement of structures in corners of lots), and rolling topography which could be barriers to development.

Land Use Alternatives

1. Option 1: Continue as drafted with Rural Estate Designation over the entirety of the neighborhood.
 - a. This may be supported by a significant number of households, if not a majority of households.
 - b. This does not prohibit a future change to a redevelopment area 10 years down the line.
2. Option 2: Re-guide the entire neighborhood as Low Density Residential (2-5 units/acre).
 - a. This may be supported by a minority of existing households.
 - b. Does not force households to split or redevelop. The Land Use is a key element of development; willing sellers are still needed to realize any development potential of the neighborhood as a whole.
 - c. Alternative is to re-guide 13990 Berkshire Ln to Low Density Residential due to the extension of the sewer to this lot (approved by the city in 2007) and leave the remaining neighborhood as Rural Estate.
3. Option 3: Create a sewer district which requires between 1 acre or 2 acre lots and only re-guide the Weidema property.
 - a. This would recognize that sewer and water potential which already exists at 13990 Berkshire Lane, while maintaining the rest of Berkshire as its currently drafted Rural Estate.
 - b. A 1 to 2 acre lot sewer district could have potential of creating a transition between the higher density development happening on the North side of N. Diamond Lake Road and the existing Berkshire neighborhood.

Notes: If the guidance stays as is currently drafted, Rural Estate, this does not prevent any future land use amendment requests from anyone in the Neighborhood. Nor does it prevent a future Council 10 or 20 years down the line to re-guide this in response to market demands or future resident requests.

From: [Ryan W](#)
To: [Alec Henderson](#); [Tina Goodroad](#)
Cc: [Tim McNeil](#); [Jonathan Mellberg](#); [Bob O'Brien](#); [Dennis Fisher](#); [Julie Gustafson](#)
Subject: Re: [EXTERNAL] - ADV: City Council Update: 3/24/2020 Meeting
Date: Monday, April 13, 2020 3:12:32 PM
Attachments: [March 2nd 13990 Berkshire Land Use Amendment Response Letter.pdf](#)
[May 7th 13990 Berkshire Land Use Amendment Response Letter.pdf](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ladies and Gentlemen,

I hope you all had a good Easter weekend and that you're healthy and adjusting given the COVID-19 outbreak. Thank [you](#) for continuing to serve Dayton despite the current conditions.

Please give the following a few minutes of your time. I will be succinct here but would be more than happy communicate further with you.

1. I had sent an email to Alec and Tina on March 26th. That information is all below and the letters in question are attached. Again, please consider this information carefully and read this first. I don't know if Alec and / or Tina had forwarded these yet or not. I spoke with Alec and understand the reasons why they may not have been forwarded yet (I'm not upset with Alec or Tina), nor do I like jumping in front of them, but this situation continues to evolve.....
2. As you hopefully all recall (and I will find documentation as needed to prove this if necessary), when the pole barn and driveway were being discussed we were told MULTIPLE times by Weidemas that the structure would not be used for commercial purposes. Work on Cloquet Island has begun in recent days, and on Saturday we have clear evidence of equipment moving to Cloquet Island from the pole barn and back again. Note that it isn't simply a truck, etc. as a truck would not have driven in the ditch most of the way. I uploaded two short videos here: <https://vimeo.com/407274939> and <https://vimeo.com/407280627>

While I remain level-headed and open to respectful conversation on these topics, I am done mincing words - this is not intended to be a personal attack in any way, but I am arriving at obvious conclusions based now on multiple situations over time. In short, the Weidema family continues to show a pattern of brazenly doing whatever they please, or saying and doing whatever is expedient for them at the time to further their own ends. They have and will take advantage of neighbors and the City, and blatantly flout whatever parameters they feel impede their desired end. How long will the City permit them to abuse time, resources and people in this manner? They are playing all of us for fools and have once again violated trust and made a mockery of the rules that the City promulgates.

Going back to point #1 above / the information below: Enough is enough. Let me strongly encourage you to end debate on this issue, put ALL of Berkshire Lane in the Rural Estate designation. As to point #2, I would be interested in hearing feedback from you on possible solutions. I look forward to hearing from you in the near future - **please do respond to me individually and / or corporately when possible.** Thank you.

Sincerely,

Ryan Woytcke
763-227-4797

From: Ryan W <hockey15c@hotmail.com>
Sent: Thursday, March 26, 2020 12:18 PM
To: Alec Henderson <ahenderson@cityofdaytonmn.com>
Cc: Tina Goodroad <TGoodroad@cityofdaytonmn.com>
Subject: Re: [EXTERNAL] - ADV: City Council Update: 3/24/2020 Meeting

Alec,

Again, thank you for keeping me informed as to what's going on. An initial response to the issue at hand follows. I have some questions for you and / or the council as well as some comments. Can I ask you to please forward this to the council members?

- During the whole Comp Plan process, Berkshire Lane has been classified as Rural Estate. **Why this potential change at a late hour? Where / with whom / how did this discussion germinate?** It is EXTREMELY frustrating to suddenly have this being discussed with NO advance notification!!!
- Issues related to 13990 Berkshire Lane (owned by Scott and Pam Weidema) have come before the council before in 2012 and again in 2018, with the result being the same in both instances (no change to Berkshire Lane status). In the most recent case in the spring of 2018, the council voted unanimously to reject an application to change the status of Berkshire Lane.
- For reference, I have attached two letters from 2018 that were submitted from owners on Berkshire. As the current discussion is extremely similar in nature to what was discussed at that time, the letters are entirely relevant. PLEASE take a moment to read through them. I am happy to provide more information / documentation to anyone with questions.
- Per the recording of the March 10th, 2020 council meeting it appears the assumption is

that the Berkshire owners are "split 50/50" on this matter - this is NOT the case. A MAJORITY of residents OPPOSE any change, with only two owners (as shown on the map presented at 1:24:30 of the March 10th council recording) indicating a desire for change.

- As was discussed by the council, the city DOES have the authority to guide properties as is seen appropriate. Maintaining all of Berkshire as Rural Estates is both entirely appropriate and permissible.
- The council may recall that in December of 2018, Robert Weidema (the son of Scott and Pam Weidema) applied for a zoning variance for a second driveway at 13931 Berkshire Lane. The variance was requested after a stop work order had been placed on a partially constructed second driveway as there had been no approval or mention of driveway in plans that were submitted for an outbuilding on the property, nor was it allowed per zoning regulations. Analysis by city staff and the recommendation by the planning commission was to force removal of the partially completed second driveway and instead make an extension to the existing driveway. However, the driveway was permitted after other residents of Berkshire dropped opposition to the second driveway in large part as a "good faith" gesture to the applicant and by extension Scott and Pam Weidema as to their intents.
- In light of this, it is particularly galling to me to now have to again defend the classification of Berkshire Lane to remain the same as it has always has been and was always intended to be!

I greatly appreciate the time and efforts of staff, commissioners, and council members and your willingness to consider these points. I understand the city is looking into the possibility of creating a "super low density" designation and applying that to Berkshire Lane. I would ask that you please inform me of the status of this going forward, and if input into this is possible I would certainly participate. My initial reaction to this is that moving from 3 units an acre to 2 units an acre is NOT a substantial shift in density. I am more than happy to engage in civil, constructive dialogue regarding the future of Berkshire Lane. At the same time, my position on the matter remains firm and I will pursue all available recourse to preserve this unique portion of Dayton.

Please feel free to contact me by email or by phone at 763-227-4797.

Sincerely,

Ryan Woytcke
13880 Berkshire Lane

From: Alec Henderson <ahenderson@cityofdaytonmn.com>

Sent: Thursday, March 26, 2020 9:30 AM
To: Ryan W <hockey15c@hotmail.com>
Cc: Tina Goodroad <TGoodroad@cityofdaytonmn.com>
Subject: RE: [EXTERNAL] - ADV: City Council Update: 3/24/2020 Meeting

Ryan,

The Council Meeting Video from the 14th can be found [here](#) and the Comprehensive Plan part of the meeting starts at about the 1 hour mark. In the currently adopted 2030 plan Berkshire Lane, South of Diamond Lake Rd N., is shown as urban reserve (which is was a wait and see kind of designation). For the 2040 plan update council requested that these urban reserve categories be changed to a more real future land use designation (some was moved into rural estate, some to other sewerred densities). Berkshire lane right now is drafted to be Rural Estate.

As a brief preface to this council conversation, the Metropolitan Council requires cities like Dayton to show that all sewerred residential districts (low, medium, and high densities, or other) maintains a minimum of 3 units per acre.

At the 14th Council meeting, the Council discussed that there are at least two property owners (including Weidema) who would like the ability to further subdivide. The Council requested that staff crunch some numbers to see if changing some of the Rural Estate districts to a larger lot sewerred district which is 2 units an acre or less would be possible while maintaining the Metropolitan Council requirements for an overall sewerred residential development at 3 units an acre. I think the intent is to see if there is some middle ground land use designation that could provide subdivision capabilities while maintaining a more rural character in that neighborhood or other currently drafted rural estate areas. I will be working on this this week hopefully.

Hopefully that adds some clarity.

-Alec

****Due to the COVID-19 pandemic, our City Offices will be closed to the public. I will be working from home and will have access to voicemails and emails and will respond as quickly as possible. Please stay tuned to federal and state officials as the COVID-19 Pandemic response continues. We thank you for your patience during this time and hope any delays may be minimal.****



Alec Henderson | Planner
City of Dayton | Planning & Zoning
P: (763) 712-3221 C: (612) 357-0097
ahenderson@cityofdaytonmn.com | cityofdaytonmn.com
12260 S. Diamond Lake Road | Dayton, MN 55327

We Play Outside | We've Got Roots | We're Right Here

From: Ryan W <hockey15c@hotmail.com>
Sent: Wednesday, March 25, 2020 5:19 PM
To: Tina Goodroad <TGoodroad@cityofdaytonmn.com>; Alec Henderson

<ahenderson@cityofdaytonmn.com>

Subject: Fw: [EXTERNAL] - ADV: City Council Update: 3/24/2020 Meeting

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Tina and Alec,

I hope this finds you well and adjusting to this very odd world we're living in.

I had not heard anything regarding the comp plan recently and had intended to check in with you at some point soon. Cathy has beaten me to the punch though as she noted some language in the recent minutes (see below). There isn't a lot of context in the paragraph, and we're all ignorant of the fine points, so could I please ask one of you to get back to me and interpret a bit? email is fine or you can call my cell at 763-227-4797. Thank you!

"I. Comprehensive Plan Chapter Review Goodroad explained the Planning Commission reviewed the Chapters before the Council. Goodroad reviewed the purpose, elements, and requirements of a Comprehensive Plan. Goodroad summarized and explained the changes to Chapter 2, Community Background. Goodroad summarized and explained the changes to Chapter 5, Land Use. The major changes in this chapter include removing Rural Reserve Designation and a new land use designation titled Rural Estate. Goodroad stated some areas need clarification on what their land will be zoned in the 2040 Comp Plan, either Rural Estate or low-density. Council requested staff explore a super low-density zoning with 2 units per acre. Goodroad stated additional changes to the Land Use Chapter includes an updated staging plan to mirror the water and sewer expansion. Goodroad summarized and explained the changes to Chapter 4 Housing, and Chapter 3 Natural Resources. Goodroad stated the Council will review additional chapters at the next meeting and asked Council to submit any minor changes offline."

Sincerely,

Ryan Woytcke

From: Cathy Myers <cathy@smpmfg.com>

Sent: Wednesday, March 25, 2020 3:12 PM

To: Ryan W <hockey15c@hotmail.com>; JEFF & VICKI MUNZEL (vmunzel@gmail.com) <vmunzel@gmail.com>

Subject: FW: [EXTERNAL] - ADV: City Council Update: 3/24/2020 Meeting

Hi there,

I hope everyone is well.

Can you take a look at the PDF of the meeting agenda and look at the minutes of the last meeting. On the click here go to page 3. Tina is talking about the comp plan and what to do with Rural Estates and if it should change to a very low density of 2 per acre. Is this something to worry about?

Cathy Myers

Standard Metal Products Mfg.

763-783-7173 | 800 297-9360 | F:763-785-6977

From: Jon Mellberg: Dayton City Council <Jonathan.Mellberg@Outlook.com>

Sent: Wednesday, March 25, 2020 1:59 PM

To: Cathy Myers <cathy@smpmfg.com>

Subject: [EXTERNAL] - ADV: City Council Update: 3/24/2020 Meeting

[View this email in your browser](#)

May 7th, 2018

Mayor Tim McNeil

Council Members Jon Mellberg, Bob O'Brien, Rick Shermer and Anne Ziebell

City Administrator and Development Director Tina Goodroad

Re: Application by Scott and Pam Weidema for a Comprehensive Plan Amendment for 13990 Berkshire Lane –
SECOND LETTER

Ladies and Gentlemen,

This letter contains additional and updated information concerning the application noted above. As you may recall, we provided an initial letter dated March 2nd, 2018 to the Planning Commission as well as City Council Members when this issue came before the Planning Commission on March 8th, 2018. A copy of that letter is attached for your reference as the information it contains remains pertinent to the question at hand.

This issue passed the Planning Commission on a 3-2 vote at nearly midnight to conclude a five-hour meeting. It was our impression that most of the information provided in the original letter was either ignored or dismissed, perhaps due to the time situation. It is our intent to ensure all of these points in addition to those below are "on the record" for public review via a thorough examination before the City Council. We respectfully ask that you now read or re-read the information in the initial letter as it will be expounded upon below.

After contacting legal counsel and much discussion among property owners, we would like to call attention to the following points as a supplement to the original information:

- A full neighborhood meeting was not proposed by the applicants until AFTER the planning commission meeting. Not all owners were able to attend this neighborhood meeting as some were out of town. At the meeting, owners opposed to development were asked to agree to a time frame when development would be permitted. Those owners present declined to agree to this as they did not want to speak for owners who were not present.
- Applicants and applicant's attorney were aware of a meeting of owners opposed to development that took place on May 2nd at which the owners intended to discuss a potential time frame agreement with the applicants. However, through communication with Tina Goodroad, the applicant's attorney made it clear that the applicants were not interested in meeting with other owners again to work towards a potential agreement and instead insisted on going before the council on May 8th.
- We have prepared a PowerPoint presentation (attached) with several relevant documents.
 - ❖ Pages one through five are the original covenants as prepared by the owner / developer (Wayne Blesi). Original owners and successive owners were aware of the existence of and intent of these covenants and have relied on them in good faith. This includes a restriction to ONE residence.

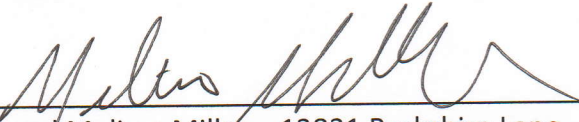
- ❖ Pages six and seven are a letter signed by a majority of owners in 2012 confirming and acknowledging the covenants as originally recorded.
 - ❖ Page eight is a letter from Dan Bernier (the previous owner of the home now owned by Robert and Melissa Miller at 13831 Berkshire Lane) seeking permission from the “Architectural Control Committee” designated in the original covenant to build a detached garage. This committee consisted of Wayne Blesi and Raymond Drake.
 - ❖ Page nine is the signed authorization from Wayne Blesi permitting the Berniers to proceed. This suggests Wayne Blesi understood the covenants to be in effect and enforceable.
 - ❖ Page ten is the signed authorization from Raymond Drake permitting the Berniers to proceed. This suggests Raymond Drake understood the covenants to be in effect and enforceable. Raymond and Kristy Drake remain owners of a property on Berkshire Lane.
 - ❖ Pages eleven and twelve are concept plans submitted as part of a city council / planning commission work session on June 26th, 2012. These concept plans serve to illustrate the incongruity with other properties, light pollution concerns (cars exiting the development will shine headlights directly at 14051 Berkshire Lane owned by Mark and Cheryl Meuleners) and traffic safety problems (the steep exit from the development and the dangerous right-hand turn onto N. Diamond Lake Road).
- Property owner “rights” are commonly restricted and limited by governing bodies in order to promote harmony and efficiency within a city and to prevent undesirable actions or effects. For example, the City of Dayton has ordinances and regulations affecting residential property owners in the areas of: pets, farm animals, storing of motor vehicles, garbage, compost, wood piles, landscaping, driveways, fencing, noise, grass / weeds, graffiti, signage, pools, septic systems, water usage, fires, large assemblies of people, renting or subleasing, construction, permits, and hunting, among others. No owner has the “right” to do whatever they want with their property!
 - This application has caused discord within the neighborhood, significant work for city employees, and required time and effort from the planning commission and city council. Unfortunately, this is the second time these circumstances have been brought about. **We urge the council to reject the current application AND to fully recognize the authority of the existing covenant on ALL Diamond Hill Estates properties in order to adhere to the intent of the original developers as has been relied upon by residents.** The city and its officials would also be well served by resolving an ongoing question relevant not only on Berkshire Lane but in other areas of Dayton as well. Future time and resources would not be demanded by this type of request again and again.

We greatly appreciate your time and look forward to a decisive resolution to this application. We remain intensely devoted to preserving Diamond Hill Estates in its current format and stand ready to take additional steps – if necessary – to ensure this unique area remains part of the character of the City of Dayton.

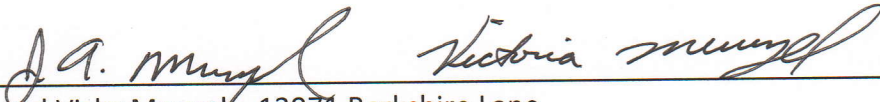
Sincerely,

Handwritten signatures of Greg and Sharon Christian in cursive script.

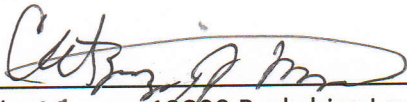
Greg and Sharon Christian – 13730 Berkshire Lane

Handwritten signature of Robert and Melissa Miller in cursive script.

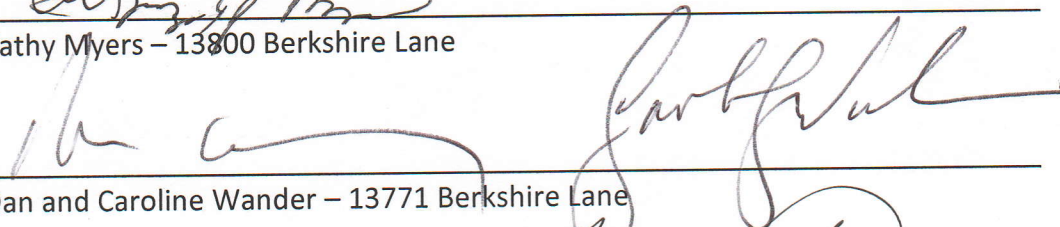
Robert and Melissa Miller – 13831 Berkshire Lane

Handwritten signatures of Jeff and Vicky Munzel in cursive script.

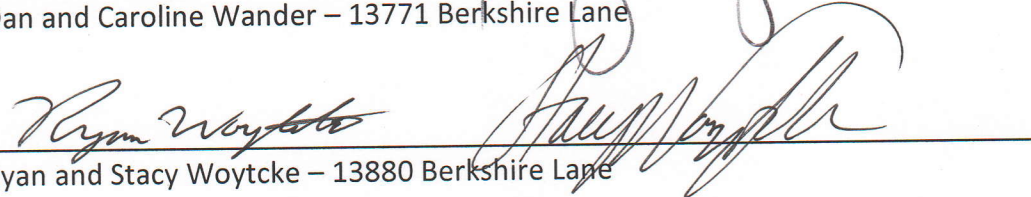
Jeff and Vicky Munzel – 13971 Berkshire Lane

Handwritten signature of Cathy Myers in cursive script.

Cathy Myers – 13800 Berkshire Lane

Handwritten signatures of Dan and Caroline Wander in cursive script.

Dan and Caroline Wander – 13771 Berkshire Lane

Handwritten signatures of Ryan and Stacy Woytcke in cursive script.

Ryan and Stacy Woytcke – 13880 Berkshire Lane

March 2nd, 2018

Mayor Tim McNeil

Council Members Jon Mellberg, Bob O'Brien, Rick Shermer and Anne Ziebell

Planning Commission Members John Schmitz, Randy Dahlheimer, Kevin Faulds, Paul Kangas and Jon Sevold

City Administrator and Development Director Tina Goodroad

Re: Application by Scott and Pam Weidema for a Comprehensive Plan Amendment for 13990 Berkshire Lane

Ladies and Gentlemen,

We have prepared this letter in response to the request made by Scott and Pam Weidema to reguide their property at 13990 Berkshire Lane from Urban Reserve to Low Density Residential, and in response to the letters provided by Larkin Hoffman on behalf of the Weidemas dated November 1st, 2017 and January 29th, 2018. The only logical reason for Weidema's request is as a prelude to future redevelopment of the property. As a majority of owners on Berkshire Lane, we respectfully ask you to consider the following in regard to the Weidema's request.

We would first like to note that the Weidemas were fully aware of the land use designation of their single-family residence when they purchased it. If they had wanted to purchase land for development purposes, they could certainly have done so (in fact, they did purchase separate land for development and have plans to develop said property in the near future – Cloquet Island Estates). However, the Weidemas chose to purchase within the Urban Reserve with full knowledge of the intents and covenants applicable to all Berkshire Lane / Diamond Hill Estates properties.

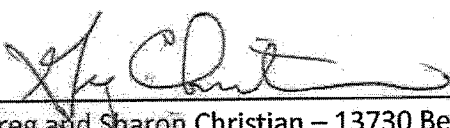
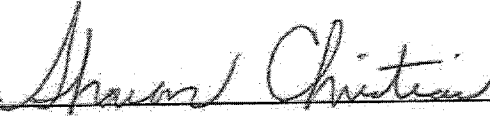
We would also like to respond to some of the various claims made in the letters from Larkin Hoffman. They imply and specifically suggest that the Weidemas should be treated the same as their neighbors – when in fact the Weidemas are already being treated the same as their neighbors on Berkshire Lane. There are myriad reasons for the property in question to remain in the Urban Reserve:

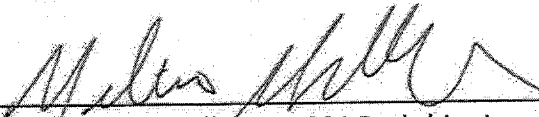
- A precedent was set in 2012 when a request to move the property in question out of Urban Reserve did not progress. There has been no material change since 2012 that would suggest a move out of Urban Reserve is now appropriate when it was not in 2012.
- A majority of property owners signed an agreement in 2012 that no property on Berkshire Lane would be redeveloped. A majority of owners remain in agreement on this topic.
- It appears a covenant prohibiting sub-dividing / re-development exists. In support of this covenant, a request several years ago to add a second garage to the property at 13831 Berkshire Lane required a variance signed off on by a current Berkshire owner (Raymond Drake) and the original owner / developer (Wayne Blesi).

- Recent purchasers on Berkshire relied in good faith on representations from sellers based on sellers' understanding of covenants, etc. that Berkshire would not be further developed.
- Weidemas are arguing for their request in large part due to water and sewer access (which is only a ¾" meter and is not suitable for multiple homes). All properties on the east side of Berkshire adjoin properties with water and sewer (on Vinewood). Approval of Weidema's request would set a terrible precedent as a developer could purchase a property on Vinewood and an adjoining property on Berkshire and use the water and sewer access via Vinewood to propose development at other points within Berkshire Lane. This opens a "Pandora's box" of potential issues....
- Furthermore, potential redevelopment of this property would set another poor precedent for Dayton on a city-wide basis. Redevelopment of a single existing property sends the message to any existing homeowner with more than a half-acre of land that "cashing in" is as easy as getting a developer to raze the current home and put in more homes instead – leading to logistical nightmares for the City.
- Land use changes and redeveloping creates an incongruity and incompatibility with the current land use and development along the rest of Berkshire Lane.
- Dayton has plentiful undeveloped land available. There is no need to redevelop existing properties.
- The careful screening and setback that Dayton is pursuing with developments would be problematic at best for this property. It is bordered on two sides by roads and the setbacks needed may eliminate much of the perceived space for homes. Furthermore, any homes built would be visible in most directions from some distance due to the elevation of the property.
- Traffic patterns and safety would represent a significant concern.
- Noise and light pollution from a development would adversely affect surrounding properties.
- There is a good probability that residents of any redevelopment will tend to view neighboring open but private property as an enticing area to "help themselves" to (particularly given the isolation of the development from parks, open spaces, etc.). An example might be starting a bonfire on the private property. This raises legal concerns over not only the initial trespassing but even liability of the property owner in the event that the trespasser is injured.


In summary, the land use amendment for 13990 Berkshire is inconsistent with the goals and objectives of the City in regards to development. It is impractical, unnecessary, inefficient and simply unwanted. We therefore ask the Planning Commission, City Council, and other decision makers to deny the requested 2030 Land Use Amendment. If the same request should be made on the 2040 Land Use Plan our opposition remains the same. Rather, we fully support and endorse the "Rural Estate" designation assigned to Berkshire Lane in the current "Final Draft 2040 Future Land Use Plan". This designation accurately and appropriately recognizes the unique characteristics of Diamond Hill Estates and that NO future subdivision or re-development would ever take place. We thank you for your time and consideration and look forward to being a part of the upcoming meeting on March 8th, 2018.

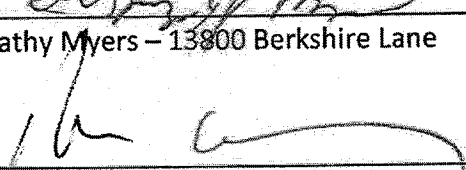
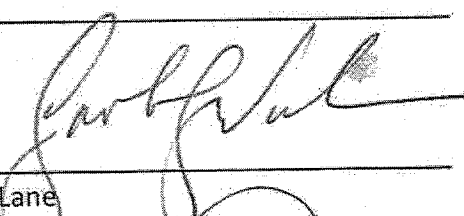
Sincerely,


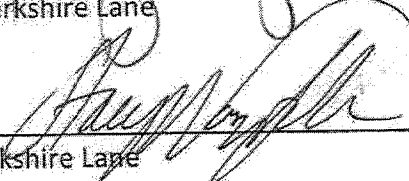
 
Greg and Sharon Christian – 13730 Berkshire Lane


Robert and Melissa Miller – 13831 Berkshire Lane

 
Jeff and Vicky Munzel – 13971 Berkshire Lane


Cathy Myers – 13800 Berkshire Lane

 
Dan and Caroline Wander – 13771 Berkshire Lane

 
Ryan and Stacy Woytcke – 13880 Berkshire Lane

From: [Tina Goodroad](#)
To: [Alec Henderson](#)
Subject: FW: 2040 Comprehensive Plan City of Dayton
Date: Wednesday, May 20, 2020 8:49:17 AM
Attachments: [Comp plan 2040.docx](#)



Tina Goodroad, AICP | City Administrator/Development Director
City of Dayton
P: (763) 421-3487 | C: (763) 614-8476
tgoodroad@cityofdaytonmn.com | cityofdaytonmn.com
12260 S. Diamond Lake Road | Dayton, MN 55327

We Play Outside | We've Got Roots | We're Right Here

From: Cathy Myers <cathy@smpmfg.com>
Sent: Tuesday, March 31, 2020 9:29 AM
To: Tim McNeil <tmcneil@cityofdaytonmn.com>; Jonathan Mellberg <jmellberg@cityofdaytonmn.com>; Bob O'Brien <bobrien@cityofdaytonmn.com>; Dennis Fisher <dfisher@cityofdaytonmn.com>; Julie Gustafson <jgustafson@cityofdaytonmn.com>
Cc: Tina Goodroad <TGoodroad@cityofdaytonmn.com>; Alec Henderson <ahenderson@cityofdaytonmn.com>
Subject: FW: 2040 Comprehensive Plan City of Dayton

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Mayor Tim Mc Neil, Julie Gustafson, John Melberg, Bob O'Brien, and Dennis Fisher, I want to send you this email as I heard that as of yesterday this previous email I sent on Friday has not been forwarded you, along with the email that Ryan Woytcke sent last week. This is regarding Berkshire Lane. I heard that Alex is working up numbers for a low density proposal for Berkshire and I want to address that. Even with a very low density proposal it does not change our stance on this land use change. I see nothing good coming out of the city changing to a developable land use for anyone on Berkshire Lane. There is no reason why some should get this change while the others cannot develop. I hope you all can find the time to look over my attached information on the 2040 comprehensive plan. Please let me know if you have questions or comments. Thanks much,

Cathy Myers 612-867-6302

From: Cathy Myers

Sent: Friday, March 27, 2020 10:53 AM

To: TGoodroad@cityofdaytonmn.com; ahenderson@cityofdaytonmn.com

Subject: 2040 Comprehensive Plan City of Dayton

Hi Tina and Alex,

Please look at the attached letter on my response to the 2040 Comprehensive Plan revision request.

Can you please forward this to the Mayor and all of the City Council members.

If there are any questions you can reach me by email or my cell number below.

Thanks much, I appreciate it!

Cathy Myers – 612-867-6302

March 26, 2020

This is in regards to the 2040 Comprehensive Plan for the city of Dayton.

I noticed in the minutes of the March 10, 2020 City Council meeting our neighborhood, Diamond Hill Estates was brought up. It was quite the surprise as our development is being designated as Rural Reserve and NOW there is talk about changing that...???

I want to note that it was said in your meeting that the land use was divided at 50/50 among property owners. This is not the case. The majority are against the Weidema's request to move from Rural Reserve to Low Density. Please take that seriously.

This development exists of 11 lots with a minimum of 10 acres each, it is a very topographical development existing of hills and lots of wetland. When I purchased my property from Mr. Wayne Blesi he told me that this property was designed that way because of these features. There was no good way to divide this property to smaller lots as there is so much unusable land. Those of you who had known Wayne Blesi know that he was a good old farmer who did things the old fashion way, with a good hand shake and your word. I am sure that every property owner on Berkshire who dealt with him had that experience. He told me he hated lawyers and did not want to deal with them. He said there was a covenant to this property too. We found out later that he never had the covenant filed. This was more than likely because he did not like dealing with the lawyers.

A few years ago, the Wildwood Springs development in Dayton had come before the city council with requests from some property owners who would like to sub-divide their properties. This development consists of 2-acre, 5-acre, and 10-acre parcels. Unlike our development they were told when they built to pick a corner where they want their homestead to be located because this development will be sub-divided in the future. This proposal was brought before the city council, the city council turned down this request, it was decided that there will be no sub-division of the lots and there will be no change to the development of Wildwood Springs.

When I purchased my property at Block 2 Lot 3 Diamond Hill Estates there was no mention that this property or any of the others would be sub-divided in the future, I was not told to pick a corner for future development. It was quite the opposite, as you can see as mentioned before, Wayne Blesi said the city had him develop this in 10-acre minimums because of the unusable areas within the approx. 120-acre location. If I knew that it was a possibility to be sub-divided in the future, I could have or would have purchased a different lot within Diamond Hill Estates. When I purchased my property, I had several choices of lots to choose from within Diamond Hill Estates including the Weidema's lot.

Why would me and some of my neighbors bought a lot with all of the wetland when they could have bought something laid out better for future development? The properties with undevelopable space within would have been sold for a much-discounted price then a property like Scott and Pam Weidema purchased without any wetland. The location of my house has been built in the middle of my property. This decision would have been different. I had brought in several trucks of dirt and landscaping material with the understanding our development of Diamond Hill Estates will remain the way Mr. Wayne Belsi and my Neighbor to the South designed it to be.

I have been to several city council meetings over the years. Several times it has been stated that Berkshire is not a good location for city water and sewer because of the topographical reasons and I have been told it will remain that way. Now again, out of nowhere it is being brought up to change this development to a density location. The city council has had this same request before it several times over the years and it has been continuously voted down. I can't believe this person keeps wasting the city's valuable time and resources on the same old request.

Scott and Pam Weidema say the reason for the sub-development is they want to be treated like the rest of their neighbors. The rest of their neighbors are in their development of Diamond Hill Estates. The Weidema's are currently (Or supposed to have started last Fall) developing right across North Diamond Lake Road from them. This will be a low-density development on a farm field. This is the way it should be done. We should not develop an already designated development that is complete. There are so many other farm locations or open land in Dayton that the owners of those properties want to develop.

Scott Weidema's company was installing the water and sewer in Dayton when he hooked himself up to it. He wanted to get the water and sewer to him so he paid for the houses on North Diamond Lake Road to have the water and sewer installed at no charge, this was because it could not leap frog past them to his location. He told the city his septic has failed and hooked himself up to the system he was installing. He also put in another large stub for the supply of much more than his home needed. Did the city request this stub or did he just decide to take this decision on himself? As all of you know property owners have 2 septic locations designated on our properties, why did he not use his second site? With his over 13 acres there would be many other locations that would work well for him too. Also, this makes me wonder, did he actually pay the city for these extra stubs and locations or did his company just install this on their own. There was a lot of good old boy stuff going on back then. This seems more like a move ahead and do it and ask for forgiveness later plan on his part.

Scott purchased another house with 10+ acres on Berkshire Lane kitty corner across the street from him. His son Robert (Scotty Jr.) owns it. Recently they built a pole barn on this property. Along with this they installed a 2nd driveway without approval and against the city code of one driveway per property. When this driveway was going in, they dug a huge/deep hole at the end of their drive way. In the last few weeks, they connected to water on the South side of the house and a trench was made bringing it over to the pole barn. They installed a holding tank between the barn and the house. This holding tank is either used for septic or else fuel. The city says they know nothing about it. The reason I am bringing this up is it seems like stuff is always happening without permission. There is always an alternative motive to what is happening. Once Scott gets a foot hold, he will begin working on sub-dividing this property along with his main property. Was that huge deep hole at the end of the driveway something to do with sewer lines? It seems his mission is to change our whole neighborhood over to his vision of what it should be, for him to profit at the expense of all of his neighbors.

I do not want to watch over his properties, but after seeing how he got hooked up to the water and sewer in the first place and with several times he and his lawyers have tried to strong arm the city and everyone in their path, it makes me want to cut the cards.

I am completely against changing our development and letting the Weidema's sub-divide a property in our completed development. They need to respectfully move on and buy another farm or open land field and request permission to develop that.

Thanks so much for reading my opinion on this. I have many other thoughts as to why they should not be allowed this change and I would be happy to speak with you about it. Please take this request seriously. You have the right to deny his request as it affects the majority of the residents on Berkshire Lane and only benefit them.

Thanks much, stay safe and healthy,

Cathy Myers
13800 Berkshire Lane.
cathy@smpmfg.com

From: [Duff](#)
To: [Alec Henderson](#); [Tina Goodroad](#)
Cc: ifishbyduff@gmail.com; jthies@lifetracnetwork.com
Subject: Duff Peddycoart - 16220 Territorial Road request for High Density
Date: Thursday, August 27, 2020 10:22:53 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Alec, as a follow up to our discussion this morning, I am requesting our property at 16220 and 16210 Territorial Road to be changed from low density to high density for future development.

If you have any questions, please contact Duff at 612-816-0110.

Thank you and have a great day!

Duff Peddycoart
Julie Thies



Hennepin County Property Map

Date: 8/27/2020



PARCEL ID: 3212022440005

OWNER NAME: Duff A Peddycoart Et Al

PARCEL ADDRESS: 16220 Territorial Rd, Dayton MN 55369

PARCEL AREA: 10.47 acres, 456,193 sq ft

A-T-B: Abstract

SALE PRICE: \$170,000

SALE DATA: 01/1999

SALE CODE: Warranty Deed

ASSESSED 2019, PAYABLE 2020

PROPERTY TYPE: Residential

HOMESTEAD: Homestead

MARKET VALUE: \$371,000

TAX TOTAL: \$5,552.20

ASSESSED 2020, PAYABLE 2021

PROPERTY TYPE: Residential

HOMESTEAD: Homestead

MARKET VALUE: \$361,000

Comments:

This data (i) is furnished 'AS IS' with no representation as to completeness or accuracy; (ii) is furnished with no warranty of any kind; and (iii) is not suitable for legal, engineering or surveying purposes. Hennepin County shall not be liable for any damage, injury or loss resulting from this data.

COPYRIGHT © HENNEPIN
COUNTY 2020



CITY OF CORCORAN

A Hidden Gem Waiting To Be Discovered

www.ci.corcoran.mn.us

March 26, 2020

Tina Goodroad
City Administrator/Development Director
City of Dayton
12260 S. Diamond Lake Road
Dayton, MN 55327

RE: Dayton 2040 Comprehensive Plan

Ms. Goodroad,

The City of Corcoran has reviewed the City of Dayton 2040 Comprehensive Plan update, which was received with your email dated February 24, 2020.

The City of Corcoran has reviewed that draft plan and find that there are no conflicts with the City of Corcoran plan. We have no comments.

Please feel free to contact City Administrator Brad Martens with questions at bmartens@ci.corcoran.mn.us or 763-400-7030.

Sincerely,

Ron Thomas
Mayor

Brad Martens
City Administrator

Copy: Kendra Lindahl, City Planner
City File



12800 Arbor Lakes Parkway, Maple Grove, MN 55369-7064

May 27, 2020

Tina Goodroad
City of Dayton
12260 S. Diamond Lake Road
Dayton, MN 55327

RE: City of Dayton 2040 Comprehensive Plan

Ms. Goodroad,

The City of Maple Grove has reviewed the City of Dayton 2040 Comprehensive Plan and has the following comments:

Chapter 5 Comments

- Adding the future transportation system to the 2040 Land Use map would help in understanding future traffic flows and likely adjacent community impacts.
- Adding the future transportation system (and staging) to the 2040 Staging Plan would also help in this regard.

Chapter 5 & 8 Comments

- There are a number of areas in which development approval should be contingent on transportation improvements being made. There are also areas in which the proposed staging of development does not match the proposed staging of transportation system improvements. The attached map identifies these concerns but specifically they are:

Fernbrook Lane Area:

- Staging of the area between 113th and 117th, west of County Road 121 (Fernbrook), in the “Current” staging but Fernbrook improvements are not scheduled until 2035 and it is unclear what the schedule is for the Fernbrook Extension to Zanzibar.
- The same is the case for the area north of 117th in the 2030 staging.
- Development of these areas have, and will continue to, create significant traffic impacts on Fernbrook Lane in Maple Grove without the extension of Maple Grove Parkway to the existing Fernbrook alignment. The City of Maple Grove feels no additional development should occur in this area without an adequate transportation system.

Dayton Parkway Area:

- West of this area there is a large area of development in the 2020 staging but the Dayton Parkway extension isn't scheduled until 2035.
- Development of this area should be contingent on the Dayton Parkway extension improvements and the staging of land use and transportation systems should match.
- It is unclear what the schedule is for improvement of 117th Ave N.

Territorial Road Area:

- There is an area of high and medium density housing in the "Current" staging that will create significant impacts to Territorial Road in Maple Grove without Recommended Roadway System Improvements #1 and #2 on Page 8.31 and shown on Exhibit 10.

Chapter 8 Comments

Page 8.3 – River Crossings

- Second paragraph states that a future corridor alignment between a future Mississippi River Crossing and the I-94/Dayton Parkway Interchange would be Vicksburg Lane/Zanzibar Lane to Dayton Parkway. As proposed, this future corridor alignment also directly connects to Fernbrook Lane (CSAH 121) and CSAH 81 in the City of Maple Grove, and has the potential to overload the existing 2-lane Fernbrook Lane and its intersection with CSAH 81. Did the 2040 forecasts include a future Mississippi River Crossing along this corridor?

Page 8.12 – Figure 2B – Future Functional Class

- Along the shared border between the Cities of Dayton and Maple Grove, it is desirable for roadways that are continuous across the city borders have consistent functional classifications.
 - Holly Lane in the City of Maple Grove's approved 2040 Transportation Plan is identified as a future Minor Collector roadway; however, in Figure 2B of the City of Dayton's Transportation Plan is identified as a local street. The City of Dayton may want to consider identifying Holly Lane between its shared Maple Grove border to the future Dayton Parkway a Minor Collector. This will provide a future continuous minor collector roadway connection between Dayton Parkway and 105th Avenue in Maple Grove.
 - The future Vicksburg Lane/Zanzibar Lane corridor, including its connection with Fernbrook Lane (CSAH 121) to the shared border with the City of Maple Grove, is identified as a future A-Minor Arterial. Fernbrook Lane (CSAH 121) in the Hennepin County 2040 Transportation Plan and the City of Maple Grove's 2040 Transportation Plan is identified as a Major Collector. This proposed change would require changes to both Hennepin County and the City of Maple Grove's functional classification. This proposed change in functional classification will not likely occur without either the substantial County improvements to this section of Fernbrook Lane (CSAH 121), or the future Maple Grove Parkway Extension and subsequent jurisdictional transfer of Maple Grove Parkway to

Hennepin County. It is also noted that the extension of Maple Grove Parkway is not shown on the future plan.

Page 8.18 – Figure 4 – Future (2040) Forecast Traffic Volumes

- Forecast 2040 volumes on Fernbrook Lane (CSAH 121) between the Rush Creek Boulevard/Elm Creek Road intersection and the shared Dayton/Maple Grove border is shown as 19,000 vehicles per day (vpd). This is approximately 50 percent higher than Hennepin County and the City of Maple Grove’s forecast 2040 volumes on this section of Fernbrook Lane, 10 percent higher than the forecast traffic volumes on Dayton Parkway east of the proposed Dayton Parkway interchange, and even 27 percent higher than the forecast traffic volumes on CSAH 81 just north of the shared Dayton/Maple Grove border. Is this forecast accurate? If so, substantial improvements are need to this segment of Fernbrook Lane (which is currently a 2-lane undivided rural-section roadway).

Page 8.41 – Figure 12 – Existing and Future Bicycle and Trail System

- It is unclear if the existing and future bicycle and trail system map includes any sidewalks/trails that run parallel to the existing/future roadway system. The following existing/future roadways within the City of Maple Grove, that continue into the City of Dayton, are planned to have sidewalks/trails that run parallel to them.
 - Holly Lane
 - Fernbrook Lane (CSAH 121)
 - Territorial Road

If the City of Dayton is also planning on having similar pedestrian accommodations along these in the future, it might be good to identify them in Figure 12 to show continuous pedestrian connections between the cities.

Chapter 11 Comments

- A table indicating the existing and future discharge rates and volumes for the 2, 10, and 100 year events for each drainage area from the City of Dayton into Maple Grove should be included with the draft 2040 Comprehensive Plan to assist with infrastructure planning in Maple Grove.

Sanitary Sewer Comments

- The City of Maple Grove has concerns about additional sanitary sewer connection permits from the Metropolitan Council without the associated and necessary transportation systems being provided.

From: [Jason D Gottfried](#)
To: [Tina Goodroad](#)
Cc: [Alec Henderson](#); [Chad Ellos](#); [Carla J Stueve](#)
Subject: City of Dayton 2040 Comprehensive Plan - HC Comments
Date: Thursday, March 26, 2020 2:22:41 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Tina,

We appreciate the opportunity to review Dayton's comprehensive plan update. Upon receiving your email I shared your plan with our county transportation staff on March 2nd.

Below are summarized staff comments I received, particularly on the Dayton Transportation Plan (Chapter 8):

- Figure 1 (Pg 9) should be split into separate figures, one for existing and one for future.
 - Zanzibar Lane is a solid line and according to the legend it is a CSAH – that is incorrect.
 - Fernbrook is shown as gray and according to the legend it is a city road – that is incorrect.
 - The dotted orange lines for the new alignments are referencing CSAH as the future jurisdictional class, this is not consistent with our plan.
- Comments below on the Programmed and planned improvements table
 -

Roadway		Extents	Timeframe	Jurisdiction
I-94 Interchange	Interchange Area		2020	Dayton/MnDOT/ Hennepin Co
Dayton Parkway	Brockton Lane (CR101) to CSAH 81	4-Lane Construction	2020	Dayton/MnDOT/ Hennepin Co
Dayton Parkway	CSAH 81 to 117th Avenue	4-Lane Construction	2025	Dayton/ Hennepin Co
113th Avenue	113th Avenue existing to East French Lake Road	3-Lane Construction	2025	Dayton
French Lake Road	Rogers Drive to Dayton Parkway	2-Lane Construction	2025	Dayton
Pioneer Parkway	Lawndale Lane to Dayton River Road (CR12)	2-Lane Construction	2030*	Dayton
Dayton Parkway	117th Avenue to Fernbrook Lane Extension	4-Lane Construction	2035	Dayton/ Hennepin Co
Fernbrook Lane	Fernbrook Lane existing to 125th Avenue	4-Lane Construction	2035	Dayton/ Hennepin Co
Zanzibar Lane	125th Avenue to North Diamond Lake Road	Roadway Extension	2040	Dayton/ Hennepin Co
Dayton Parkway	Fernbrook Lane Extension to 129th Avenue	4-Lane Construction	2040**	Dayton/ Hennepin Co
Dayton Parkway	129th Avenue to East City Limits	4-Lane Construction	2040**	Dayton/Hennepin Co
Zanzibar Lane	North Diamond Lake Road to Vicksburg Lane	Roadway Extension	2040	Dayton/ Hennepin Co
Vicksburg Lane	Zanzibar Lane Extension to Dayton River Road (CR12)	3-Lane Reconstruction	2040	Dayton/ Hennepin Co
Pineview Lane	129th Avenue to Dayton River Road	4-Lane Construction	2040	Dayton

- CR 202 through Elm Creek Park is on our jurisdictional transfer candidate list given its function (county to city).

Figure 13 (Pg 44) – Unclear whether the bicycle and trail system includes any on-road facilities? Perhaps map should add a field for on-road bike facilities to better distinguish.

- Goal 3, Policy 1 (pg 5) – In referring to the future extension of County Road 117, revise the termini from County Road 116 to County Road 101.

Please let me know if I can better clarify any item. Again, thank you for team's consideration of our comments

Jason

Jason Gottfried

Transportation Planner
Transportation Planning

Office: 612-596-0394
jason.gottfried@hennepin.us
Hennepin County Public Works
1600 Prairie Drive
Medina, MN 55340

From: Tina Goodroad <TGoodroad@cityofdaytonmn.com>

Sent: Monday, February 24, 2020 5:23 PM

To: Doug Borglund <DBorglund@ci.anoka.mn.us>; Scott Schulte <schulte@ci.champlin.mn.us>; bmartens@ci.corcoran.mn.us; mpritchard@ci.corcoran.mn.us; Peter Vickerman <pvickerman@maplegrovmn.gov>; Tim Gladhill <tgladhill@ci.ramsey.mn.us>; Jason Ziemer <jziemer@rogersmn.gov>; Jason D Gottfried <Jason.Gottfried@hennepin.us>; Dan Licht <ddl@planningco.com>; lee.kelly@co.wright.mn.us; Nicholas.Herman@anoka.k12.mn.us; MaguireK@District279.org; daniel.bittman@isd728.org; James C Kujawa <James.Kujawa@hennepin.us>; Rexine, Ann <Ann.Rexine@threeriversparks.org>; tod.sherman@state.mn.us; daniel.petrik@state.mn.us; info@dnr.state.mn.us; joe.macpherson@co.anoka.mn.us

Cc: Alec Henderson <ahenderson@cityofdaytonmn.com>

Subject: [External] City of Dayton 2040 Comprehensive Plan

Hello all,

Per Minnesota Statute [473.858 Subd. 2](#) and the Metropolitan Council, we are distributing the proposed City of Dayton 2040 Comprehensive Plan Update for your review and comment. The 2040 Comprehensive Plan Update can be found here: <https://cityofdaytonmn.com/departments/planning-zoning/>

It is respectfully requested that you review the proposed 2040 Comprehensive Plan Update and send any comments **or indication of no comment** to the following email address: tgoodroad@cityofdaytonmn.com by **March 31, 2020**.

In the event that there are questions please feel to call me at 763-421-3487.

On behalf of the City of Dayton we would like to thank you in advance for your assistance and prompt response.

Tina



Tina Goodroad, AICP | City Administrator/Development Director
City of Dayton
P: (763) 421-3487 | C: (763) 614-8476
tgoodroad@cityofdaytonmn.com | cityofdaytonmn.com
12260 S. Diamond Lake Road | Dayton, MN 55327

We Play Outside | We've Got Roots | We're Right Here

CAUTION: This email was sent from outside of Hennepin County. Unless you recognize the sender and know the content, do not click links or open attachments.

Disclaimer: If you are not the intended recipient of this message, please immediately notify the sender of the transmission error and then promptly delete this message from your computer system.

Three Rivers
Park District
Board of
Commissioners

March 31, 2020

Tina Goodroad, AICP
City Administrator/Development Director
12260 South Diamond Lake Road, Dayton, MN 55327

Marge Beard
District 1

RE: City of Dayton, 2040 Comprehensive Plan Update

Dear Tina,

Jennifer DeJournett
District 2

Three Rivers Park District (Park District) submits the following comments regarding your 2040 Comprehensive Plan. If you have further questions or comments, please contact Ann Rexine, Principal Planner at ann.rexine@threeriversparks.org or by phone at 763-694-1103.

Daniel Freeman,
Vice Chair
District 3

Abbreviated agency naming nomenclature

When describing Three Rivers Park District, please ensure that if the agency is referred to as Three Rivers, it is noted earlier in the document as: Three Rivers Park District (Three Rivers).

Throughout
document

John Gunyou,
Chair
District 4

Chapter 3: Natural Resources | General Comments

To better understand and visualize where natural resources are being actively protected, it is suggested that Elm Creek Park Reserve property be ghosted behind the predominate map features on the Figures indicated.

Figures
3.2, 3.4,
3.5, 3.6,
3.7

John Gibbs
District 5

Goal 4

To better coordinate between adjacent municipalities and agencies, it is suggested that the city add a policy that includes language regarding partnership development with Maple Grove, Champlin, Rogers, Three Rivers Park District and Hennepin County to coordinate greenway connections.

Page 3.2

Gene Kay
Appointed
At Large

Map Corrections

It is noted that the yellow colors utilized for soil types A, B and B/D are difficult to differentiate.

Page 3.8,
Figure 3.8

Steve Antolak
Appointed
At Large

Surface Water Edits

- French Lake does not meet the criteria of a shallow lake as noted during the development of the Elm Creek Watershed TMDL process. It was not deep enough to be defined as a shallow lake and has been defined as a wetland. Thus, shallow lake water quality standards do not apply to French Lake. Please verify the maximum depth for French in the table, as it appears inaccurate.
- The Elm Creek Watershed TMDL and WRAPs report should be referenced in the text for additional information on the lakes and stream impairments. These documents provide guidance toward the waste load allocations that the city has to meet to improve water quality.

Boe Carlson
Superintendent

Map Corrections It is difficult to differentiate the colors on the map between shallow marsh, deep marsh and shallow open water. Please consider adjusting the blue tones with alternative colors, or hatching.	Page 3.15, Figure 3.6
Ground Water The city's Wellhead Protection Plan should be referenced and included as an appendix item.	Page 3.18
Chapter 7: Parks and Trails General Comments <ul style="list-style-type: none"> As described in Chapter 3, Goal 4 – the notion of connecting green corridors to protect significant natural resources is identified. However, this language is not mentioned in this chapter. It may benefit the Plan to reflect back to Chapter 3 natural resource goals. It is also noted that the Mississippi River Corridor Critical Area Plan has been omitted within this chapter- perhaps intentional/incidental, but worth mention. 	
Terminology and Typo Suggestion <ul style="list-style-type: none"> Construction of Elm Creek Park Reserve access points Construction of West Mississippi Regional Trail in coordination with Three Rivers Park District. Developing foottrail pedestrian/bicycle access to the Elm Creek Park Reserve. 	Page 7.2
Additional Park Acreage Three Rivers Park District recently acquired three properties along West River Road/Mississippi River as part of the West Mississippi River Regional Trail initiative. These 18.6 acres can be added to Table 7.1 to demonstrate open space parkland protection.	Page 7.4
Map Corrections <ul style="list-style-type: none"> Three Rivers Park District does not own PID: 1512022330001, as currently shown. Three Rivers does own PID: 112022110001 and should be added to the map. 	Figure 7.1
Naming Nomenclature <ul style="list-style-type: none"> "The West Mississippi River Regional Trail begins in the Historic Village area of Dayton, and extends southeast following the Mississippi River into Champlin, Brooklyn Park, and Brooklyn Center, before finishing in North Minneapolis connecting to the Minneapolis Grand Rounds. The regional trail is approximately 15 miles long, with multiple connections to notable areas in Dayton like Elm Creek Park Reserve..." "Important connections to other cities' areas include.....Coon Rapids Dam Mississippi Gateway Regional Park in Brooklyn Park...and North Mississippi Regional park in Brooklyn Center and Minneapolis". 	Page 7.13
Additional Text Suggested "Finally, <u>the Medicine Lake Regional Trail extension includes a connection from West Mississippi River Regional Trail to Elm Creek Park Reserve through Dayton.</u> A leg of the Medicine Lake Regional Trail..."	Page 7.15
Please update Figure 7.4 with updated alignment per the approved Crow River Regional Trail Master Plan (attached).	Figure 7.4
Omit redundant text under Figure 7.4, "Finally, a leg of the Medicine Lake Regional trail will be constructed..."	Page 7.16
Proposed r egional trails are identified...Crow Hassen River Regional Trail."	

<p>Naming Nomenclature</p> <p>The City of Dayton has a developing local trail system including connections to City Parks, Elm Creek Regional Park Reserve, regional trails, and regional search corridors that extend through the City.</p>	<p>Page 8.38</p>
<p>Text Edits</p> <p>"Additionally, the planned and existing regional trails within the City of Dayton are is the West Mississippi River, Rush Creek, Crow River and Medicine Lake Regional Trails. Further information regarding this these regional trails is are listed below:"</p> <p>[Please describe all regional trails]</p> <p>In addition, it is noted that the city prioritizes local bicycle/pedestrian connections to/from Elm Creek Park Reserve – however it is not mentioned in this chapter.</p>	<p>Page 8.38 -8.39</p>
<p>Map Corrections</p> <p>This Figure should be consistent with the map (Figure 7.8) located in the Parks and Trails chapter, specifically depicting the correct alignments of all the planned and existing regional trails within the city. In addition, this figure is labeled as both Figure 13 and 12.</p>	<p>Figure 13</p>
<p>Seaplane Usage</p> <p>As indicated above, French Lake has been classified a wetland per the Elm Creek Watershed TMDL. Three Rivers Park District natural resources staff do not believe that due to its shallow water levels (wetland status), it is safe or reasonable to land seaplanes on it.</p>	<p>Page 8.45</p>
<p>Chapter 9: Wastewater General Comments</p> <ul style="list-style-type: none"> Existing Sanitary Sewer Trunk System <ul style="list-style-type: none"> Figure 9.1 – A different color for the Sanitary Sewer is suggested as it is not visible Figure 9.2 – Ultimate Sewer Map – The zoomed-out view of the entire city makes it difficult to see the truck sanitary sewer line. A map for each district (i.e. north, west, etc.) is suggested. The septic plan should include: <ul style="list-style-type: none"> Locations of septic systems Inspection of septic systems Long-term maintenance schedules Anticipated septic number reductions due to sanitary sewer trunk system by 2040 	
<p>Chapter 11: Surface Water General Comments</p> <ul style="list-style-type: none"> Existing and Potential Water Resources – Related Problems <ul style="list-style-type: none"> There is no mention of completed TMDL's. Table 1.1 – List of Impaired Waters Within City of Dayton - French Lake is listed as impaired for nutrients/eutrophication. Elm Creek Watershed TMDL/WRAPS documents indicates that French Lake does not meet the criteria of a lake – but has been designated as a wetland. There is no mention of sub-watershed assessments to identify significant sources of nutrient loading and develop CIP Best Management Projects to reduce nutrient loading. 	
<p>Appendix C: Local Water Management Plan</p> <p>The city completed its LWMP in October of 2018. The following suggestions are included for future consideration:</p> <ul style="list-style-type: none"> Chloride management should be a considered part of the plan. The city should be encouraging chloride management with their review planning process for new commercial/industrial developments. Climate change should be a considered part of the plan. There has been an increase in high intensity short duration rainfall events that has resulted in flooding as well as increases in 	

nutrient loading. Design standards for new developments should start to consider infrastructure changes that take climate change into consideration.

- Sustainable water re-use practices should be considered or encouraged for new developments. An example would be water re-use from stormwater ponds for irrigation purposes.

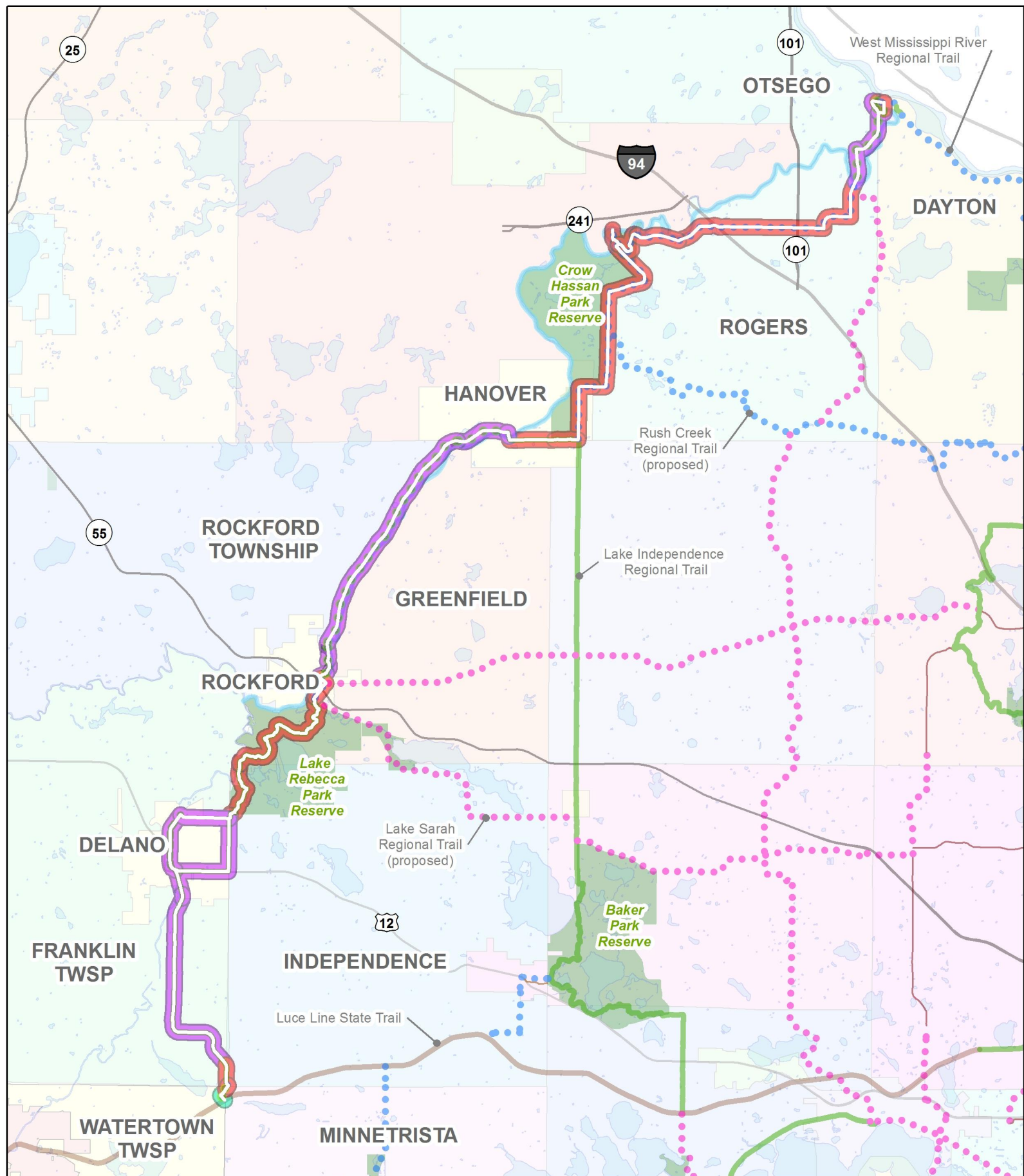
CC:

File

Metropolitan Council

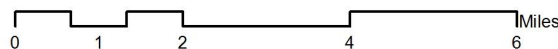
Danny McCullough, Three Rivers Park District Regional Trails System Manager

Brian Vlach, Senior Manager of Water Resources, Three Rivers Park District



Crow River Regional Trail

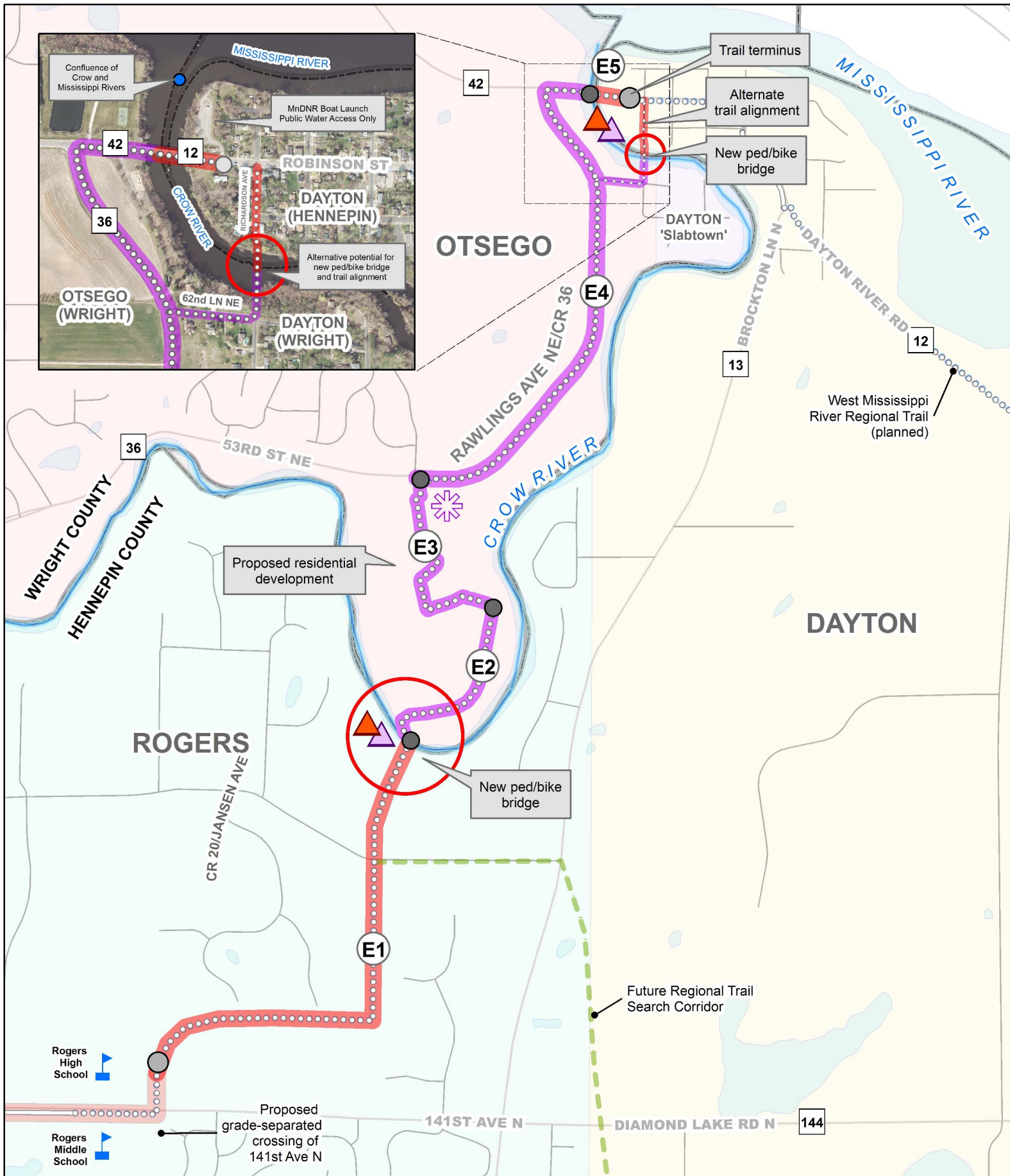
Jurisdiction



Agency Jurisdiction

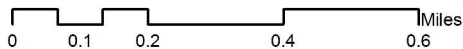
- Hennepin - Three Rivers Park District
- Wright County
- Carver County





Crow River Regional Trail

Segment E



- Hennepin County
- Wright County

- Existing trail segment
- Proposed trail segment
- River Touchpoint & Trailhead
- Trailhead
- River Touchpoint



Community of Dayton

2040 Comprehensive Plan Update

Adjacent and Affected Jurisdiction Review and Comment Form

Date: 5/29/20

Adjacent or Affected Jurisdiction Name: MN Department of Natural Resources

Please check the appropriate box:

- ☐ We have reviewed the proposed Plan Update, do not have any comments, and are therefore waiving further review.
- ☒ We have reviewed the proposed Plan Update and offer the following comments (attach additional sheets if necessary)

The mission of the Minnesota Department of Natural Resources is to work with citizens to conserve and manage the state's natural resources, to provide outdoor recreation opportunities as well as sustainable commercial uses of natural resources. With these things in mind, we appreciate the opportunity to provide comments on Dayton's draft 2040 comprehensive plan. We applaud the city's recognition that "Dayton's natural resources are among the defining features of the city. Balancing preservation of these resources with future growth is a corner stone of this plan, and was articulated as a priority by residents during the comprehensive planning process."

The following comments outline additional ways to the Comprehensive plan can further these goals:

Rare Species and Plant Communities. The DNR supports including data from the Natural Heritage Information System (NHIS) in the Comprehensive Plan. We recommend that the plan include goals and strategies to address how rare species and plant communities will be protected the beyond preservation of environmentally-sensitive areas. The policy to promote the use of native plant species is an important piece, but for species like Blanding's Turtles that move through the landscape, more policies or actions are needed to achieve a protection goal.

In addition, to preserve the quality of plant communities within Elm Creek Park or French Lake, a [lake of biological significance](#) (worth noting in the Natural Resources description), the contributing catchments need extra hydrologic planning consideration.

Two data layers useful for land use and conservation planning include the *MBS Native Plant Communities* and the *MBS Sites of Biodiversity Significance*. GIS shapefiles of these data layers can be downloaded from [the Minnesota Geospatial Commons](#). The DNR recommends avoidance of these ecologically significant areas, especially MBS Sites of Outstanding or High Biodiversity Significance and DNR Native Plant Communities with a conservation status rank of S1 (critically imperiled), S2 (imperiled), or S3 (vulnerable to extirpation). We

recommend that Comprehensive plans include a map of both of these layers and a list of the types of native plant communities documented within the plan's boundaries.

For further conservation planning and to ensure compliance with the Minnesota endangered species laws, the DNR encourages communities to check the *NHIS Rare Features Data* for known occurrences of state-listed species. The *NHIS Rare Features Data* contains nonpublic data and can only be accessed by submitting a License Agreement Application Form for a GIS shapefile or by submitting a NHIS Data Request Form for a database printout. Both of these forms are available at [the NHIS webpage](#).

Consider adding a discussion of what the city can do to preserve the species and preserve needed habitat into the future (see section below on policies and practices to protect wildlife). For more information on the biology, habitat use, and conservation measures of these rare species, please visit [the DNR Rare Species Guide](#). NHIS training includes rules for using/displaying nonpublic data in public documents.

Links:

MBS Sites of Biodiversity Significance

http://www.dnr.state.mn.us/eco/mcbs/biodiversity_guidelines.html

MBS Native Plant Communities

<http://www.dnr.state.mn.us/npc/index.html>

Hennepin County Resource

[Hennepin County Natural Resource Interactive Map](#)

With specific regard to Blanding's Turtles (*Emys blandingii*), there are numerous sighting reports of this species in Dayton, outside of protected lands. For your information, the DNR's Blanding's Turtle [fact sheet](#) describes the habitat use and life history of this species. The fact sheet also provides two lists of recommendations for avoiding and minimizing impacts to this rare turtle. Consider adding a policy to provide these and other rare species fact sheet to developers planning work in the community.

Development / Transportation Policies to Protect Wildlife. Consider adding policies that take wildlife into consideration as transportation and redevelopment projects occur. These policies are especially important in the catchment areas of high quality lakes like French Lake. In Small Area Plans, such as the Diamond Lake SAP, the city can share information on preserving natural resources not just with residents, but with business and industry owners as well. To enhance the health and diversity of wildlife populations, encourage developers of private and public lands to retain natural areas or restore them with native species after construction. One larger area is better than several small "islands" or patches; and connectivity of habitat is important. Animals such as frogs and turtles need to travel between wetlands and uplands throughout their life cycle.

Consult [DNR's Best Practices for Protection of Species](#) and [Roadways and Turtles Flyer](#) for self-mitigating measures to incorporate into design and construction plans. Examples of more specific measures include:

- Preventing entrapment and death of small animals especially reptiles and amphibians, by specifying biodegradable erosion control netting ('bio-netting' or 'natural netting' types (category 3N or 4N)), and specifically not allow plastic mesh netting. (p. 25)
- Providing wider culverts or other passageways under paths, driveways and roads while still considering impacts to the floodplain.
- Including a passage bench under bridge water crossings. (p. 17) because typical bridge riprap can be a barrier to animal movement along streambanks.
- Curb and stormwater inlet designs that do not inadvertently direct small mammals and reptiles into the storm sewer. (p. 24). Installing "surmountable curbs" (Type D or S curbs) allows animals (e.g., turtles) to climb over and exit roadways. Traditional curbs/gutters tend to trap animals on the roadway. Another option is to install/create curb breaks every, say, 100 feet (especially important near wetlands).
 - Using smart salting practices to reduce impacts to downstream aquatic species.
 - Fencing could be installed near wetlands to help keep turtles off the road (fences that have a j-hook at each end are more effective than those that don't).

Native Species. We appreciate the use of the greenways layer on the future land use plan and the connection made to native plants in landscape plans to help enhance habitat value. Adding more native plants into landscaping enhances the health and diversity of pollinators as well as wildlife populations, and these plants can also help filter and store storm water, a positive effect that also furthers other goals in your city's plan. Consider adding pollinator language into the plan. For more information consult National Wildlife Federation's [Monarch Conservation in America's Cities](#) and DNR's [pollinator page](#). Your city may also wish to consider adopting [pollinator friendly resolutions](#) to support and raise the profile of pollinator-friendly practices in your community.

Community Forestry. The plan references a tree preservation ordinances, which is a good start. The loss of tree canopy due to threats such as emerald ash borer and oak wilt has negative impacts on the health and environment of many Minnesota cities, and a planned community forest can provide numerous community benefits. The first step to achieving a resilient community forest is conducting a tree inventory. The second step is developing a community forestry management plan that includes strategies for managing trees, especially ash, and encouraging a diverse tree canopy on private and public lands. It would be worth mentioning in the narrative of the comprehensive plan if Dayton has developed a plan for the city's forestry needs as part of an overall strategy to meet its environmental goals and policies.

Parks and Recreation. Here are additional recreational resources to mention:

- State Water Trails : [Mississippi River](#) and [Crow River: North Fork](#) State Water Trails
- [Mississippi River Parkway](#) - Dayton River Road is part of 10 state Mississippi River parkway. This route is marketed nationally and could also be mentioned in the Economic Development section.
- [US Bicycle Route 45](#): The Mississippi River Trail is a national route, signed as "MRT" that travels through Dayton.

- Snowmobile Trails: State-supported grant-in-aid trails connect your community to an extensive network of trails throughout the state. Including the trails on inventories would raise awareness of this recreational activity. The snowmobile GIA Program webpage below also has more information on the program and funding.
https://www.dnr.state.mn.us/grants/recreation/gia_snowmobile.html

Additional Natural Resource Information: This review did not represent a detailed review of surface water plans or water supply plans. The thrust of these comments is on providing additional information about these topics that relate to the natural resource goals, policies and implementation narratives in the comprehensive plan main document.

- The Local Surface Water Plan (LSWP) summary or full LSWP plan does not appear to discuss our changing rainfall regimes. The State Climatology office has useful planning tool to analyze past weather trends, including rainfall trends. These tools can help communities plan ahead for conventional and green infrastructure needs.
- The soil section in both the plan and LSWP does not interpret the soils information to support policy development. Consider adding some interpretation, such as the soils analysis of Pollution Sensitivity of Near-Surface materials (see data layer in Geospatial Commons). That map shows the area along the river in northeastern Dayton is highly susceptible and therefore may be a target for safe salting messaging.
- The Natural Resource Implementation section references the need to “continue to communicate and enforce the floodplain ordinance and ensure the City makes available any updates to the FEMA floodplain maps. The DNR has a robust [Floodplain Maps and Technical Resources](#) page where, among other things, you can sign up for the *Water Talk Newsletter*, The newsletter is published quarterly and features updates on program news, funding, projects, events, and learning resources for local governments and others involved in floodplain and shoreland management.

MRCCA: The previous comments do not assess whether the draft comprehensive plan complies with the MRCCA plan minimum requirements. If you are interested in a preliminary review of your MRCCA chapter for consistency with the MRCCA plan minimum requirements, please submit it to the Metropolitan Council. The Metropolitan Council will then forward the plan to the appropriate DNR staff for preliminary review. Any reference in the comp plan to the MRCCA plan or MRCCA regulations will be reviewed separately once the plan is submitted to the Met Council

Reviewer: Martha Vickery, Central Region Coordinator, Lands and Minerals Div., DNR__

Reviewer signature Martha L. Vickery Date: 5/29/20



MINUTES OF SEPTEMBER 3, 2020 PLANNING COMMISSION

I. CALL TO ORDER

Kangas called the September 3, 2020 Planning Commission Meeting to order at 6:30 P.M.

Present: Planning Commission members Crosland, Dahlheimer (remote), DeMuth (remote), Kangas, and Sevald, and Councilmember O'Brien

Absent: none

Also in Attendance: Tina Goodroad, City Administrator; Alec Henderson, Planner

II. PLEDGE OF ALLEGIANCE

III. APPROVAL OF AGENDA

MOTION by Kangas to approve the agenda as submitted, Crosland seconded. The motion carries unanimously.

IV. CONSENT AGENDA

A. Approval of Planning Commission Minutes for August 6, 2020

MOTION by Sevald to approve the consent agenda as read, Kangas seconded. The motion carries 4 ayes, 1 present (Crosland).

V. OPEN FORUM OPENED AT 6:32 P.M.

No one came forward.

VI. COUNCIL UPDATE

O'Brien shared an update on recent Council meeting activity with the Planning Commission.

VII. PUBLIC HEARING

B. Application by RDO Equipment Co. for a Planned Unit Development Amendment to construct two freestanding signs at 11030 Holly Lane North

Goodroad provided background on the item, stating the applicant, RDO Equipment Company, is requesting a Planned Unit Development Amendment to allow the installation of two freestanding pylon signs proposed to be located along the south/west property line abutting I-94 Interstate. The applicant

received PUD approval for the construction of the RDO store in May 2017. The property is zoned B-P, Business Park, PUD.

Goodroad explained the Planning Commission options for recommendations to the City Council.

- 1) Recommend approval with a condition of landscaping at the base of the sign.
- 2) Recommend denial identifying findings determining denial.
- 3) Table to another meeting.

Kangas opened the Public Hearing at 6:39 p.m.

No one came forward to speak.

Kangas closed the Public Hearing at 6:40 p.m.

John Weber, General Manager of the Dayton RDO Store came forward and explained what his company is looking to do. Eric Sterling, RDO Marketing Department explained the corporate office is recommending dealers follow their branding requirements.

The Commission discussed the application and the precedent it would set in Dayton. The Commission agreed that signage is currently adequate and if they wanted additional signing, they could have brought it up at the time of the PUD approval.

MOTION by Crosland, second by Kangas, to recommend denial of the application by RDO Equipment Co. for a Planned Unit Development Amendment to construct two freestanding signs at 11030 Holly Lane North due to the property has already received increased signage, has large display pads, and has not demonstrated need. The motion was taken by roll call:

Dahlheimer - aye
DeMuth - aye
Crosland - aye
Sevald - aye
Kangas – aye

Goodroad stated this item will go to City Council on September 22.

C. 2040 Comprehensive Plan Hearing and Recommendation to City Council

Goodroad stated the City of Dayton has completed its 2040 Comprehensive Plan update consisting of twelve chapters based on check list requirements set by the Met Council. The Planning Commission has previously reviewed the chapters prior to the jurisdictional review which concluded at the end of August. Goodroad presented chapters in the Comprehensive Plan and significant changes since last review as detailed in the staff report.

Kangas opened the Public Hearing at 7:31 p.m.

Robert Engstrom, 4801 West 81st St, Bloomington MN 55437 (owner of three Parcels: PIDs 1712022410001, 1712022130005, 1712022420003), came forward and said he would like his property to be moved from the 2050 staging plan to the 2040 staging plan. The Commission reached consensus to move Robert Engstrom's property from 2050 to 2040.

Tim McNeil, 18620 Robinson Street, came forward and asked Goodroad to address the following issues: if the land around a property owner is developing, will the property owner be assessed for sewer and water; the plan shows a road going through my property, are you taking it for a road? Goodroad replied nothing is going to be forced. The extension of sewer and water is on the expense of the developer. Roads are developed when land is developed, and landowners will not be forced out.

Bob Dehn, 15820 117th, came forward and said he has three parcels in the 2020 and 2030 staging plan. He said his land was moved to 2030 and wants to be moved back to the 2020 staging plan. The Commission reached consensus to review for further information.

Peter Coyle, on behalf of the Weidemas, 13990 Berkshire Lane N, came forward to oppose the decision to downgrade the Weidemas' property from urban reserve to rural estate. He asked the Commission to look at making the property low-density housing instead of rural estate. Mr. Coyle went through several points that support the Weidemas' desire to subdivide and spoke on actions he said the City has taken to not allow it.

Tim McNeil, 18620 Robinson Street, came forward and provided contextual information to Mr. Coyle's comments. Mr. McNeil stated he notified Mr. Weidema about the meeting and called him after the meeting. He said the item was not voted on, but the majority of the Council was in favor of making it rural estate.

Ryan Woytcke, 13880 Berkshire Lane N, came forward and said Mr. Coyle gave a lot of opinions. Mr. Woytcke stated he is representing a majority of neighbors in the Berkshire neighborhood. Mr. Woytcke made several statements supporting the Council's decision to zone the land Rural Estate.

The Commission discussed the options for this particular neighborhood.

- Development will only work if the neighborhood works together
- Desire to keep large lots and keep the integrity of the neighborhood
- The land has a variety of topography difficult to develop
- Landowners should be able to choose their own destiny

Eric Rapoport, 12680-138th Ave N, came forward and asked about Pineview Lane opening to a 4-lane road and how that is going to impact the homes on the

road. Goodroad stated expansion is based on capacity and usage. Goodroad stated Pineview will be 3 or 4 lanes about 25 years out.

The Commission discussed the property located at 16220 Territorial Road. The property owner has asked to change from low-density to high-density. Goodroad said the property owner can ask for a change if they want to sell at a different zoning. The Commission reached consensus to keep the property at low-density.

Julie Schoephoerster, 11531 Stoneridge Circle, asked why some areas are unsewered and surrounded by sewer land. Goodroad said sewer was extended to some areas in 2008. She said there were some areas that did not want it, creating pockets. Goodroad said the staging plan sets the plan for when to sewer land in Dayton. Tim McNeil, 18620 Robinson Street, came forward and stated there are some homes with water and sewer next to those with well and septic. The City is getting requests to extend water and sewer and the City is trying to determine how to do it. He said a home without sewer and water cannot get it unless there is a neighbor sharing a border that has it.

MOTION by Kangas, second by Crosland, to close the Public Hearing at 9:15 p.m. The motion carried unanimously.

VIII. NOTICES AND ANNOUNCEMENTS

D. The next Planning Commission meeting is tentatively scheduled for October 1, 2020 at 6:30 p.m.

Goodroad stated there are items for the October meeting.

IX. ADJOURNMENT

MOTION by Sevald to adjourn, Crosland seconded the motion. The motion carried unanimously. The meeting adjourned at 9:20 p.m.

Respectfully submitted,

Shari Kunza
Recording Secretary
TimeSaver Off Site Secretarial, Inc

ITEM:

2040 Comprehensive Plan Update

PREPARED BY:

Tina Goodroad, City Administrator/Development Director

POLICY DECISION / ACTION TO BE CONSIDERED:

Staff is not requesting action at this meeting, but we will have a resolution at the next meeting providing for approval conditioned on Met Council approval.

BACKGROUND:

The City of Dayton has completed its 2040 Comprehensive Plan update. A Comprehensive plan is a long-term guide for future growth and development of a city. State statute requires communities to update their plan every 10-years. Major elements include land use, transportation and plans for parks and trails. Twelve chapters have been prepared based on check list requirements set by the Met Council.

The Planning Commission and City Council have previously reviewed the chapters prior to the jurisdictional review which concluded at the end of August. During the public hearing by the Planning Commission on September 3rd some specific land use and staging requests were made. If you were not able to attend the meeting please review the meeting video. Below is a brief summary of outstanding items. Staff will provide greater detail at the meeting.

Land Use:

A significant update was adopted in 2014 when some land uses in southwest Dayton were changed to create additional land for future industrial development. Mixed Use areas were also created in 2014 south of I-94 and along Balsam Land in northeast Dayton.

Owner of 16220 Territorial Rd (Mr. Pettycoart) is requesting a land use change from Low Density to High Density (see 2040 FLU with Public Comments). The property is largely wetlands/floodplain and located immediately adjacent to developed single family. The Planning Commission recommend 5-0 to keep as Low Density at this time.

Owners along Berkshire Lane (Diamond Hill Estates) located at 13731, 13990, 13931, 13770, and 14051 Berkshire Lane submitted a letter requesting a Land use change to **Low Density**. Please see attached letter and staff summary of Planning Commission public comments.

As you know the 2040 Land Use Plan shows this neighborhood as Rural Estate versus Urban Reserve as it was guided in the 2030 plan. A sewer stub is available at NDLR at centerline of Berkshire (has not extended down Berkshire) and a stub is connected at 13990 Berkshire Lane (Weidema). See attached Res. No. 65-2007. This request for Low Density is consistent with the specific request made by Mr. Weidema in 2018.

We also have a request (see attached letter and summary of PC public comments) from the remaining owners on Berkshire Lane located at 13730, 13831, 13971, 13800, 13771, and 13880 who request it remain **Rural Estate**. Please also see the attached map that illustrates the location of these different requests.

The Planning Commission did not make a specific recommendation on final land use for this neighborhood. The Planning Commission had varying positions and ultimately the Commission forwards the following comments:

- The neighborhood should be looked at as a whole in either case, Rural or Low Density. The parcels would be difficult to develop one parcel at a time due to the layout of the development as long rectangular lots.
- All of the owners (whether future or present) should come in together when they are ready for development.
- Maintaining the rural estate designation does have benefit in conserving rural lots in Dayton but does not necessarily prohibit future Land Use changes (either by amendment or when a future Comprehensive Plan is adopted).
- One Commissioner did express support for Low Density due to presence of utilities to the neighborhood (within NDLR); and adjacent to the neighborhood (surrounding new developments) and due to protection of property rights.

It should be noted that a future comprehensive plan amendment can be applied for by any owner.

As another alternative a transitional land use could be considered for this or other non-sewered areas that abut or in close proximity to sewer (low density areas) development as an optional designation that would allow for some sewer divisions but at a transitional density level as a comprehensive plan amendment. The amount of land which could be regarded as a Rural Sewered designation is limited as the lower density of this type of district would impact our city-wide density. Please read attached Sewered Rural Residential memo prior to the meeting.

All residential land uses, and minimum densities average out to 3.07 units per acre meeting the Met Council minimum requirement for emerging suburban edge communities.

Staging:

The Met Council requires cities to provide the anticipated rate of growth based on ten-year increments (Staging Plan). The Staging Plan was developed to guide the contiguous pattern of growth based on current development patterns and availability of infrastructure. The Staging Plan illustrates the city's "serviced areas" or parcels with sewer. In the 2030 plan these parcels were included in "current". The staging plan identifies "developing" parcels which have already received concept plan, preliminary or final plat approval. The "Current" staging category is all remaining developable land in closest proximity of sewer service. It is the city's desire that this land be developed prior to opening the next staging area.

Since the 2030 plan, Dayton has chosen to create a more realistic staging plan with fewer acres in the 2020, and 2030 staging areas (focus of this update). The 2020 and 2030 stages include what is needed to meet forecasted growth for each decade (approx. 190-200/yr). It's important to remember that not all parcels will develop during each stage, there will be parcels that that

contain homesteads or farms not ready to sell. Sometimes these parcels, depending on their location, can impede the flow of development therefore having a small amount of additional land in each ten-year staging area allows for flexibility.

We have also added 2040 and post 2050. The staging plan is updated every ten years to reflect the extension of sewer (based on sewer development). The staging lines reflect the best estimate of when sewer may be available but is dependent on development and timing cannot be guaranteed.

The council's goal has been to carefully include enough developable land in the next staging year to meet growth projections. The 2020-2030 staging year does that by providing area that *could* support 2,129 units. Again, the timing of growth is not only dependent on the city's staging but also on the market as development (residential and non-residential) is required for the extension of municipal sewer and water not the city. Staff will present more detail about the staging plan at the meeting.

We received one specific staging request from Mr. Engstrom (Shown as #1 on Staging Plan comment figure) who is requesting 2040 staging rather than post 2050. Since this area will be evaluated and revised with the next ten-year comp plan update the Planning Commission supported this request.

We received a second staging request from Bob Dehn (Shown as #2 on the Staging Plan comment figure) at 15820 117th Avenue N for 2020 versus 2030. This property was previously in 2020 and other property he owns is in current. Staff reviewed this area and supports this change. This would add approximately 120 units to 2020. Again, due to the presence of so many existing homestead properties in the 2020 staging area it would be good to add a small amount of agriculture land to this staging year.

Transportation:

This chapter has numerous check list items that have all been completed. An abundance of work went into transportation plans in southwest Dayton including small area plans that detail extension on Dayton Parkway as well as possibilities for other local road connections. These plans are important as the city works with property owners and developers of vacant land to define necessary roadway improvements.

Park and Trails:

This chapter provides for long range planning for park and trail needs. The plan identifies search areas for new parks and trails with connections to each park as well as to Elm Creek Park Reserve. The city uses this plan to determine whether park land dedication is required based on location of the future develop versus cash in lieu.

Water Chapters:

Remaining sewer, water and stormwater chapters and related appendix items are all prepared to meet Met Council checklists.

All chapters have been on-line with a fillable comment form available to serve as a virtual "open house" plan review. We also sent letters to property owners impacted by a land use or staging change. Over 600 letters were sent, mostly due to changes in staging (plan is more

conservative than 2030). We have received no comments as of 8/27/2020 (however half a dozen residents did call for clarifications).

RECOMMENDATION:

Staff seeks input into the final draft 2040 Comprehensive Plan

ATTACHMENT(S):

Letter from Berkshire Residents requesting Low Density Resolution 65-2007

Berkshire Neighborhood Letters requesting Rural Estate 2040 FLU with Requested Changes noted

Map of Berkshire Lane Land Use Request

Planning Commission Public Comment Summary

- Land Use Comments with Map
- Staging Plan Comments with Map

Sewered Rural Residential Land Use Memo prepared by Staff

Jurisdictional Reviews

- Corcoran
- Maple Grove
- Hennepin County
- Three Rivers Park District
- DNR

Chapters can be found at <https://cityofdaytonmn.com/departments/planning-zoning/>

June 2, 2020

City of Dayton
Attn. Tina Goodroad, City Administrator
12260 South Diamond Lake Road
Dayton, Minnesota 55327

Re: 2040 Land Use Plan

Dear City Administrator Goodroad:

The undersigned all own property in the City of Dayton along Berkshire Lane North. The City's current land use plan guides our properties, along with those of our neighbors, for Urban Reserve. Per the City's policies this land use designation is established "as a holding zoning for future development." Public utilities are immediately available to our properties via the existing water and sewer installations situated along North Diamond Lake Road. We are requesting to have our properties reguied for future redevelopment as Low Density Residential, if and when the opportunity is present to do so. This would align with the City's R-1 zoning district, which is similar to what is assigned to our surrounding neighbors outside of the Berkshire neighborhood. This change would not obligate any resident living on Berkshire Lane North to redevelop; but this change would protect our property rights, including the possible right to redevelop in the same manner as permitted for our neighbors, in accordance with all City policies.

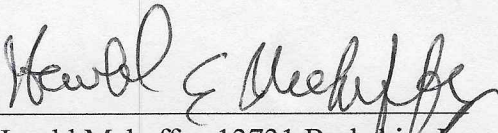
We understand the City Council recently conducted a public hearing to discuss a staff recommendation to reguide our properties from Urban Reserve to Rural Estate. While one of our neighbors testified in support of the proposed change, he does not speak for us and we do not agree with staff's recommendation. If the Rural Estate designation is adopted, our properties will be prohibited from redeveloping for a possible low-density residential use, as contemplated by the Urban Reserve designation, and as our surrounding neighbors are allowed. Rather, we could only pursue redevelopment by seeking yet another land use change, with no assurance it would ever be approved. It is unfair for the City to impose this restriction on our properties to satisfy the concern of other residents. The Low Density land use designation will not adversely affect our neighbors' properties,

U

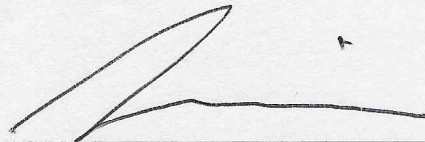
but the Rural Estate designation will absolutely restrict and adversely affect our properties, including property values.

Please change the land use designation for the Berkshire Lane North properties from Urban Reserve to Low Density in conjunction with completing action on the pending 2040 Comprehensive Plan. This will treat us the same as the landowners surrounding our neighborhood.

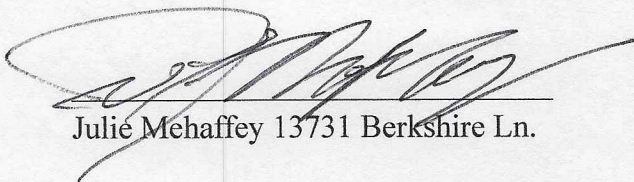
Sincerely,



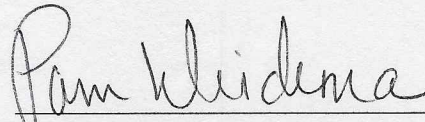
Harold Mehaffey 13731 Berkshire Ln.



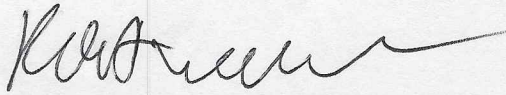
Scott Weidema 13990 Berkshire Ln.



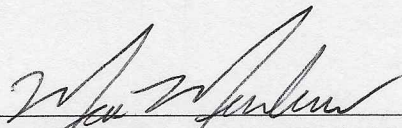
Julie Mehaffey 13731 Berkshire Ln.



Pam Weidema 13990 Berkshire Ln.



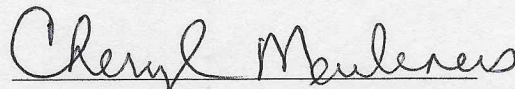
Robert Weidema 13931 Berkshire Ln.



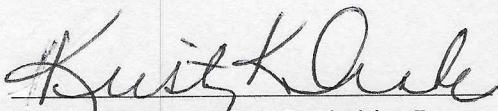
Mark Meuleners 14051 Berkshire Ln.



Raymond Drake 13770 Berkshire Ln



Cheryl Meuleners 14051 Berkshire Ln.



Kristy Drake 13770 Berkshire Ln.

RESOLUTION NO. 65-2007

WHEREAS, Scott and Pamela Weidema (hereinafter "Weidemas") own real estate (hereinafter the "Property") located at 13990 Berkshire Lane, Dayton, MN 55327 and legally described as **"Lot 1, Block 2, Diamond Hill Estates, according to the recorded plat thereof, Hennepin County, Minnesota"** (hereinafter the "Property"); and

WHEREAS, there is currently a Utility Project (hereinafter the "Project") by the City of Dayton (hereinafter referred to the "City"), which is in proximity to the Property; and

WHEREAS, Weidemas have requested that they be allowed a connection point for the City's sewer and water; and

WHEREAS, if the connection to the Project is not provided at this time, it will result in additional expense with respect to removal of newly constructed streets, damaged roadway and ancillary additional costs and potential damage to public property; and

WHEREAS, in the efficient use of municipal resources, and avoiding unnecessary destruction or damage to municipal property, it is deemed by the Council to be in the City's best interest to allow construction of connection pipes to the Property; and

WHEREAS, the Property is currently outside of the Metropolitan Urban Service Area (hereinafter "MUSA") which is eligible for the service for municipal utility service; and

WHEREAS, Weidemas have acknowledged and understand that the Property is currently not available for utility service, and will not be eligible for such service until such time as the Property is included within the MUSA boundary, and the City's Comprehensive Plan is approved by the Metropolitan Council; and

WHEREAS, notwithstanding the lack of immediate service available to the Property, Weidemas have still requested that connection for future sewer and water service be made to the Property, and further understand that the City is not guaranteeing when or if the Property will be included within the MUSA boundary, and thus eligible for utility service; and

WHEREAS, Weidemas understand that as a condition of extension of utility service they must pay all City costs incurred in connection therewith and execute appropriate Agreements.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Dayton as follows:

1. The foregoing recitals are hereby made a part of this Resolution.

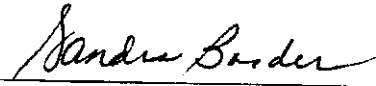
2. The City shall extend the sewer and water pipes and other infrastructure to the Property as part of the current Project.
3. Weidema shall pay to the City all necessary costs and expenses, including engineering staff, legal and other consulting costs incurred to extend the sewer and water pipes and infrastructure to their Property in an amount to be determined by the City Engineer and City Administrator.
4. Weidemas shall execute an Agreement incorporating the foregoing terms, including their understanding of lack of utility service, until such time as the Property is within the MUSA boundary, and agreeing to assume all risks associated with the same, and a method and time of payment as determined by the City Engineer and City Administrator, which can include prepayment for estimated costs and expenses.

Passed this 13th day of November, 2007, by the City Council of the City of Dayton.



Mayor

ATTEST:



Clerk

May 7th, 2018

Mayor Tim McNeil

Council Members Jon Mellberg, Bob O'Brien, Rick Shermer and Anne Ziebell

City Administrator and Development Director Tina Goodroad

Re: Application by Scott and Pam Weidema for a Comprehensive Plan Amendment for 13990 Berkshire Lane –
SECOND LETTER

Ladies and Gentlemen,

This letter contains additional and updated information concerning the application noted above. As you may recall, we provided an initial letter dated March 2nd, 2018 to the Planning Commission as well as City Council Members when this issue came before the Planning Commission on March 8th, 2018. A copy of that letter is attached for your reference as the information it contains remains pertinent to the question at hand.

This issue passed the Planning Commission on a 3-2 vote at nearly midnight to conclude a five-hour meeting. It was our impression that most of the information provided in the original letter was either ignored or dismissed, perhaps due to the time situation. It is our intent to ensure all of these points in addition to those below are "on the record" for public review via a thorough examination before the City Council. We respectfully ask that you now read or re-read the information in the initial letter as it will be expounded upon below.

After contacting legal counsel and much discussion among property owners, we would like to call attention to the following points as a supplement to the original information:

- A full neighborhood meeting was not proposed by the applicants until AFTER the planning commission meeting. Not all owners were able to attend this neighborhood meeting as some were out of town. At the meeting, owners opposed to development were asked to agree to a time frame when development would be permitted. Those owners present declined to agree to this as they did not want to speak for owners who were not present.
- Applicants and applicant's attorney were aware of a meeting of owners opposed to development that took place on May 2nd at which the owners intended to discuss a potential time frame agreement with the applicants. However, through communication with Tina Goodroad, the applicant's attorney made it clear that the applicants were not interested in meeting with other owners again to work towards a potential agreement and instead insisted on going before the council on May 8th.
- We have prepared a PowerPoint presentation (attached) with several relevant documents.
 - ❖ Pages one through five are the original covenants as prepared by the owner / developer (Wayne Blesi). Original owners and successive owners were aware of the existence of and intent of these covenants and have relied on them in good faith. This includes a restriction to ONE residence.

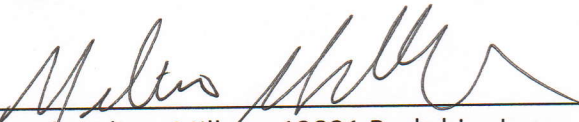
- ❖ Pages six and seven are a letter signed by a majority of owners in 2012 confirming and acknowledging the covenants as originally recorded.
 - ❖ Page eight is a letter from Dan Bernier (the previous owner of the home now owned by Robert and Melissa Miller at 13831 Berkshire Lane) seeking permission from the “Architectural Control Committee” designated in the original covenant to build a detached garage. This committee consisted of Wayne Blesi and Raymond Drake.
 - ❖ Page nine is the signed authorization from Wayne Blesi permitting the Berniers to proceed. This suggests Wayne Blesi understood the covenants to be in effect and enforceable.
 - ❖ Page ten is the signed authorization from Raymond Drake permitting the Berniers to proceed. This suggests Raymond Drake understood the covenants to be in effect and enforceable. Raymond and Kristy Drake remain owners of a property on Berkshire Lane.
 - ❖ Pages eleven and twelve are concept plans submitted as part of a city council / planning commission work session on June 26th, 2012. These concept plans serve to illustrate the incongruity with other properties, light pollution concerns (cars exiting the development will shine headlights directly at 14051 Berkshire Lane owned by Mark and Cheryl Meuleners) and traffic safety problems (the steep exit from the development and the dangerous right-hand turn onto N. Diamond Lake Road).
- Property owner “rights” are commonly restricted and limited by governing bodies in order to promote harmony and efficiency within a city and to prevent undesirable actions or effects. For example, the City of Dayton has ordinances and regulations affecting residential property owners in the areas of: pets, farm animals, storing of motor vehicles, garbage, compost, wood piles, landscaping, driveways, fencing, noise, grass / weeds, graffiti, signage, pools, septic systems, water usage, fires, large assemblies of people, renting or subleasing, construction, permits, and hunting, among others. No owner has the “right” to do whatever they want with their property!
 - This application has caused discord within the neighborhood, significant work for city employees, and required time and effort from the planning commission and city council. Unfortunately, this is the second time these circumstances have been brought about. **We urge the council to reject the current application AND to fully recognize the authority of the existing covenant on ALL Diamond Hill Estates properties in order to adhere to the intent of the original developers as has been relied upon by residents.** The city and its officials would also be well served by resolving an ongoing question relevant not only on Berkshire Lane but in other areas of Dayton as well. Future time and resources would not be demanded by this type of request again and again.

We greatly appreciate your time and look forward to a decisive resolution to this application. We remain intensely devoted to preserving Diamond Hill Estates in its current format and stand ready to take additional steps – if necessary – to ensure this unique area remains part of the character of the City of Dayton.

Sincerely,

Handwritten signatures of Greg and Sharon Christian in cursive script.

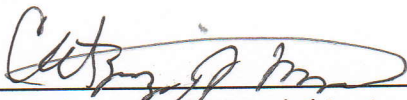
Greg and Sharon Christian – 13730 Berkshire Lane

Handwritten signature of Robert and Melissa Miller in cursive script.

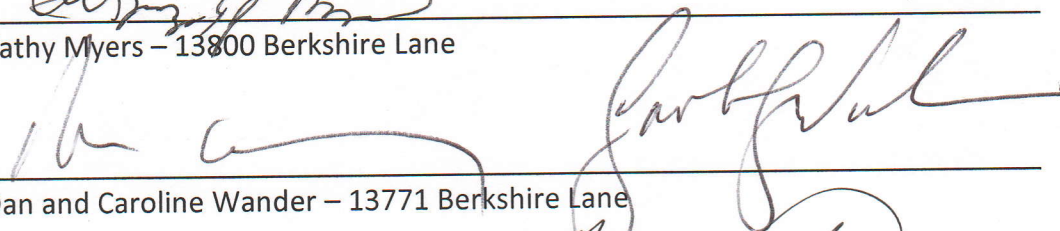
Robert and Melissa Miller – 13831 Berkshire Lane

Handwritten signatures of Jeff and Vicky Munzel in cursive script.

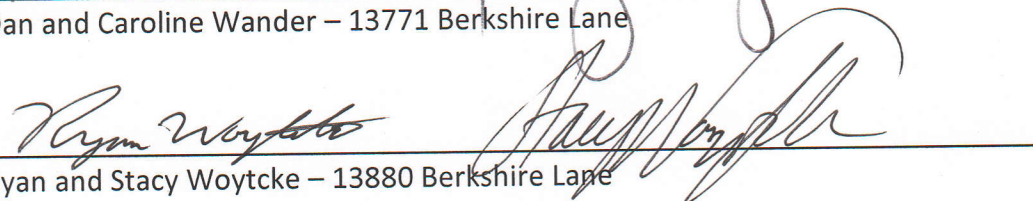
Jeff and Vicky Munzel – 13971 Berkshire Lane

Handwritten signature of Cathy Myers in cursive script.

Cathy Myers – 13800 Berkshire Lane

Handwritten signatures of Dan and Caroline Wander in cursive script.

Dan and Caroline Wander – 13771 Berkshire Lane

Handwritten signatures of Ryan and Stacy Woytcke in cursive script.

Ryan and Stacy Woytcke – 13880 Berkshire Lane

March 2nd, 2018

Mayor Tim McNeil

Council Members Jon Mellberg, Bob O'Brien, Rick Shermer and Anne Ziebell

Planning Commission Members John Schmitz, Randy Dahlheimer, Kevin Faulds, Paul Kangas and Jon Sevold

City Administrator and Development Director Tina Goodroad

Re: Application by Scott and Pam Weidema for a Comprehensive Plan Amendment for 13990 Berkshire Lane

Ladies and Gentlemen,

We have prepared this letter in response to the request made by Scott and Pam Weidema to reguide their property at 13990 Berkshire Lane from Urban Reserve to Low Density Residential, and in response to the letters provided by Larkin Hoffman on behalf of the Weidemas dated November 1st, 2017 and January 29th, 2018. The only logical reason for Weidema's request is as a prelude to future redevelopment of the property. As a majority of owners on Berkshire Lane, we respectfully ask you to consider the following in regard to the Weidema's request.

We would first like to note that the Weidemas were fully aware of the land use designation of their single-family residence when they purchased it. If they had wanted to purchase land for development purposes, they could certainly have done so (in fact, they did purchase separate land for development and have plans to develop said property in the near future – Cloquet Island Estates). However, the Weidemas chose to purchase within the Urban Reserve with full knowledge of the intents and covenants applicable to all Berkshire Lane / Diamond Hill Estates properties.

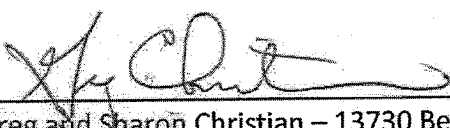
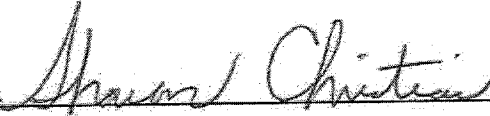
We would also like to respond to some of the various claims made in the letters from Larkin Hoffman. They imply and specifically suggest that the Weidemas should be treated the same as their neighbors – when in fact the Weidemas are already being treated the same as their neighbors on Berkshire Lane. There are myriad reasons for the property in question to remain in the Urban Reserve:

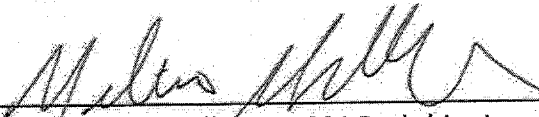
- A precedent was set in 2012 when a request to move the property in question out of Urban Reserve did not progress. There has been no material change since 2012 that would suggest a move out of Urban Reserve is now appropriate when it was not in 2012.
- A majority of property owners signed an agreement in 2012 that no property on Berkshire Lane would be redeveloped. A majority of owners remain in agreement on this topic.
- It appears a covenant prohibiting sub-dividing / re-development exists. In support of this covenant, a request several years ago to add a second garage to the property at 13831 Berkshire Lane required a variance signed off on by a current Berkshire owner (Raymond Drake) and the original owner / developer (Wayne Blesi).

- Recent purchasers on Berkshire relied in good faith on representations from sellers based on sellers' understanding of covenants, etc. that Berkshire would not be further developed.
- Weidemas are arguing for their request in large part due to water and sewer access (which is only a ¾" meter and is not suitable for multiple homes). All properties on the east side of Berkshire adjoin properties with water and sewer (on Vinewood). Approval of Weidema's request would set a terrible precedent as a developer could purchase a property on Vinewood and an adjoining property on Berkshire and use the water and sewer access via Vinewood to propose development at other points within Berkshire Lane. This opens a "Pandora's box" of potential issues....
- Furthermore, potential redevelopment of this property would set another poor precedent for Dayton on a city-wide basis. Redevelopment of a single existing property sends the message to any existing homeowner with more than a half-acre of land that "cashing in" is as easy as getting a developer to raze the current home and put in more homes instead – leading to logistical nightmares for the City.
- Land use changes and redeveloping creates an incongruity and incompatibility with the current land use and development along the rest of Berkshire Lane.
- Dayton has plentiful undeveloped land available. There is no need to redevelop existing properties.
- The careful screening and setback that Dayton is pursuing with developments would be problematic at best for this property. It is bordered on two sides by roads and the setbacks needed may eliminate much of the perceived space for homes. Furthermore, any homes built would be visible in most directions from some distance due to the elevation of the property.
- Traffic patterns and safety would represent a significant concern.
- Noise and light pollution from a development would adversely affect surrounding properties.
- There is a good probability that residents of any redevelopment will tend to view neighboring open but private property as an enticing area to "help themselves" to (particularly given the isolation of the development from parks, open spaces, etc.). An example might be starting a bonfire on the private property. This raises legal concerns over not only the initial trespassing but even liability of the property owner in the event that the trespasser is injured.


In summary, the land use amendment for 13990 Berkshire is inconsistent with the goals and objectives of the City in regards to development. It is impractical, unnecessary, inefficient and simply unwanted. We therefore ask the Planning Commission, City Council, and other decision makers to deny the requested 2030 Land Use Amendment. If the same request should be made on the 2040 Land Use Plan our opposition remains the same. Rather, we fully support and endorse the "Rural Estate" designation assigned to Berkshire Lane in the current "Final Draft 2040 Future Land Use Plan". This designation accurately and appropriately recognizes the unique characteristics of Diamond Hill Estates and that NO future subdivision or re-development would ever take place. We thank you for your time and consideration and look forward to being a part of the upcoming meeting on March 8th, 2018.

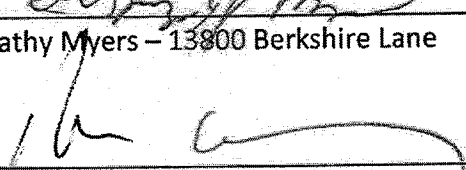
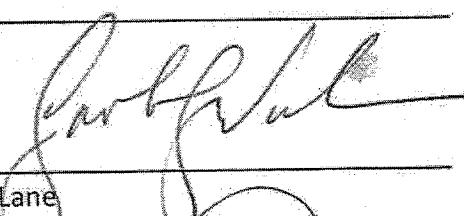
Sincerely,


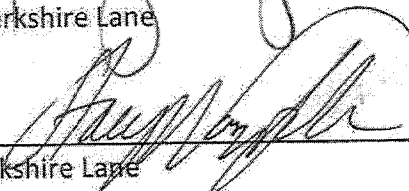
 
Greg and Sharon Christian – 13730 Berkshire Lane


Robert and Melissa Miller – 13831 Berkshire Lane

 
Jeff and Vicky Munzel – 13971 Berkshire Lane


Cathy Myers – 13800 Berkshire Lane

 
Dan and Caroline Wander – 13771 Berkshire Lane

 
Ryan and Stacy Woytcke – 13880 Berkshire Lane



Berkshire Lane – Land Use Memo

To: Mayor and City Council Members

From: Tina Goodroad, City Administrator and Development Director, and

Alec Henderson, Planner

Subject: Direction and discussion regarding possible land use guidance alternatives for Berkshire Lane properties

Background

Neighborhood Context

The Berkshire Lane neighborhood was platted as Diamond Hill Estates in 1993 (Pre Plat Res. No. 21-93, Final Plat Res No. 37-93). Diamond Hill Estates consists of 11 lots which are all approximately 10 acres in size (include road ROW). The development would have occurred when the Agricultural Lot Sizes were 1 unit per 10 acres (including ROW).

In 2007, the Council approved, by Res. No. 65-2007, a sewer and water extension specifically to the Weidema property at 13990 Berkshire Lane N (Lot 1, Block 2 Diamond Hill Estates). The Weidema residence has since connected to sewer and water.

Land Use

In 2018, the Weidema family requested a 2030 Land Use Amendment for their property at 13990 Berkshire Lane to reguide the property from Urban Reserve to Low Density Residential. Urban Reserve is a 2030 Land Use designation which reserves areas which may not be *currently* good candidates for further subdivision due to the size and existing conditions of the land, but may be candidates for subdivision in the future (possibly as infill development after). The 2030 Low Density Residential designation is a sewer district which allows residential development of a minimum of 2.3 units per acre. The Council denied this Land Use amendment as the 2040 Plan was being drafted.

Discussion

The 2040 Plan has been sufficiently drafted to address land use designation questions prior to final submittal to the Met Council. We should expect a similar request by the Weidema family to re-guide their land at 13990 Berkshire to Low Density Residential (2040 Plan density between 2 and 5 units an acre). However, a significant number of Berkshire residents feel the Rural Residential designation for Berkshire Lane is a more fitting designation as it recognizes the existing neighborhood as it is currently developed (large rural residential estate lots). While Cities have statutory authority over Land Use and Zoning, Councils may take into account interest group opinions when making land use decisions. This is a policy decision that should be made prior to submission of the 2040 Comp Plan to the Met Council.

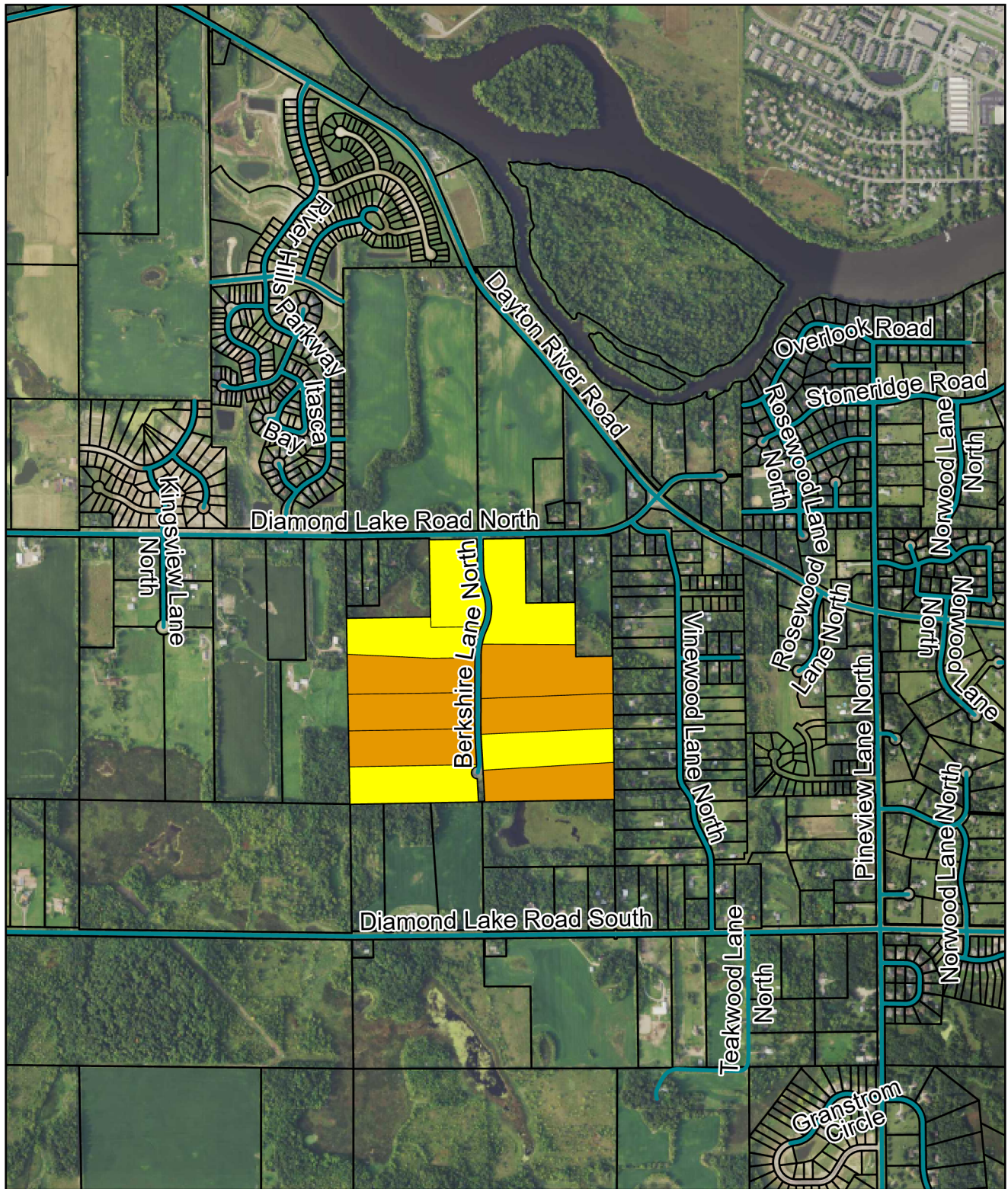
The Diamond Hills development area has a significant amount of wetlands (approximately 40 acres), significant improvements (larger homes, driveways, outbuildings) which are not uniformly placed (ie Wildwood Springs has generally uniform placement of structures in corners of lots), and rolling topography which could be barriers to development.

Land Use Alternatives




1. Option 1: Continue as drafted with Rural Estate Designation over the entirety of the neighborhood.
 - a. This may be supported by a significant number of households, if not a majority of households.
 - b. This does not prohibit a future change to a redevelopment area 10 years down the line.
2. Option 2: Re-guide the entire neighborhood as Low Density Residential (2-5 units/acre).
 - a. This may be supported by a minority of existing households.
 - b. Does not force households to split or redevelop. The Land Use is a key element of development; willing sellers are still needed to realize any development potential of the neighborhood as a whole.
 - c. Alternative is to re-guide 13990 Berkshire Ln to Low Density Residential due to the extension of the sewer to this lot (approved by the city in 2007) and leave the remaining neighborhood as Rural Estate.
3. Option 3: Create a sewer district which requires between 1 acre or 2 acre lots and only re-guide the Weidema property.
 - a. This would recognize that sewer and water potential which already exists at 13990 Berkshire Lane, while maintaining the rest of Berkshire as its currently drafted Rural Estate.
 - b. A 1 to 2 acre lot sewer district could have potential of creating a transition between the higher density development happening on the North side of N. Diamond Lake Road and the existing Berkshire neighborhood.

Notes: If the guidance stays as is currently drafted, Rural Estate, this does not prevent any future land use amendment requests from anyone in the Neighborhood. Nor does it prevent a future Council 10 or 20 years down the line to re-guide this in response to market demands or future resident requests.

BERKSHIRE LANE LAND USE REQUESTS



Legend

-  RE Designation request
-  LDR Designation Request
-  Parcels

LAND USE PLAN PUBLIC COMMENTS AND PLANNING COMMISSION RECOMMENDATIONS

The below items should be viewed with the 2040 Land Use Figure attached. Each number below corresponds to a number on the map.

1. Duff Peddycoart and Julie Thies own 16220 Territorial Road (32-120-22-44-0005). The owners have request that their land use be changed from Low Density Residential to High Density Residential
 - a. The Planning Commission recommended that this *not* be included in the final Comprehensive Plan adoption, but instead came in as a future Land Use Amendment Request to ensure that the neighboring property owners could weigh in should a formal site plan come in.



2. Peter Coyle, representing Scott Weidema at 13990 Berkshire lane came forward to express the Weidema family's objection to their parcel being guided as Rural Estate. In total five households are requesting Low Density Residential Designation over Berkshire Lane, while six households are requesting Rural Estate Designation over Berkshire Lane. To summarize, Coyle expressed that summary, 2030 plan held the property for urban expansion explicitly, the 2040 plan reverses this decision. Urban expansion is happening, utilities are available. Land Use designation does not guarantee development. Greenway corridor PUD process is there to protect natural features.

Subdivision code is an arduous and is there to ensure adequate development and protection of resources. Decision would take off the table, at least 100 units where utilities are already available.

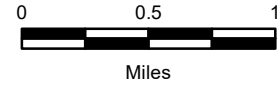
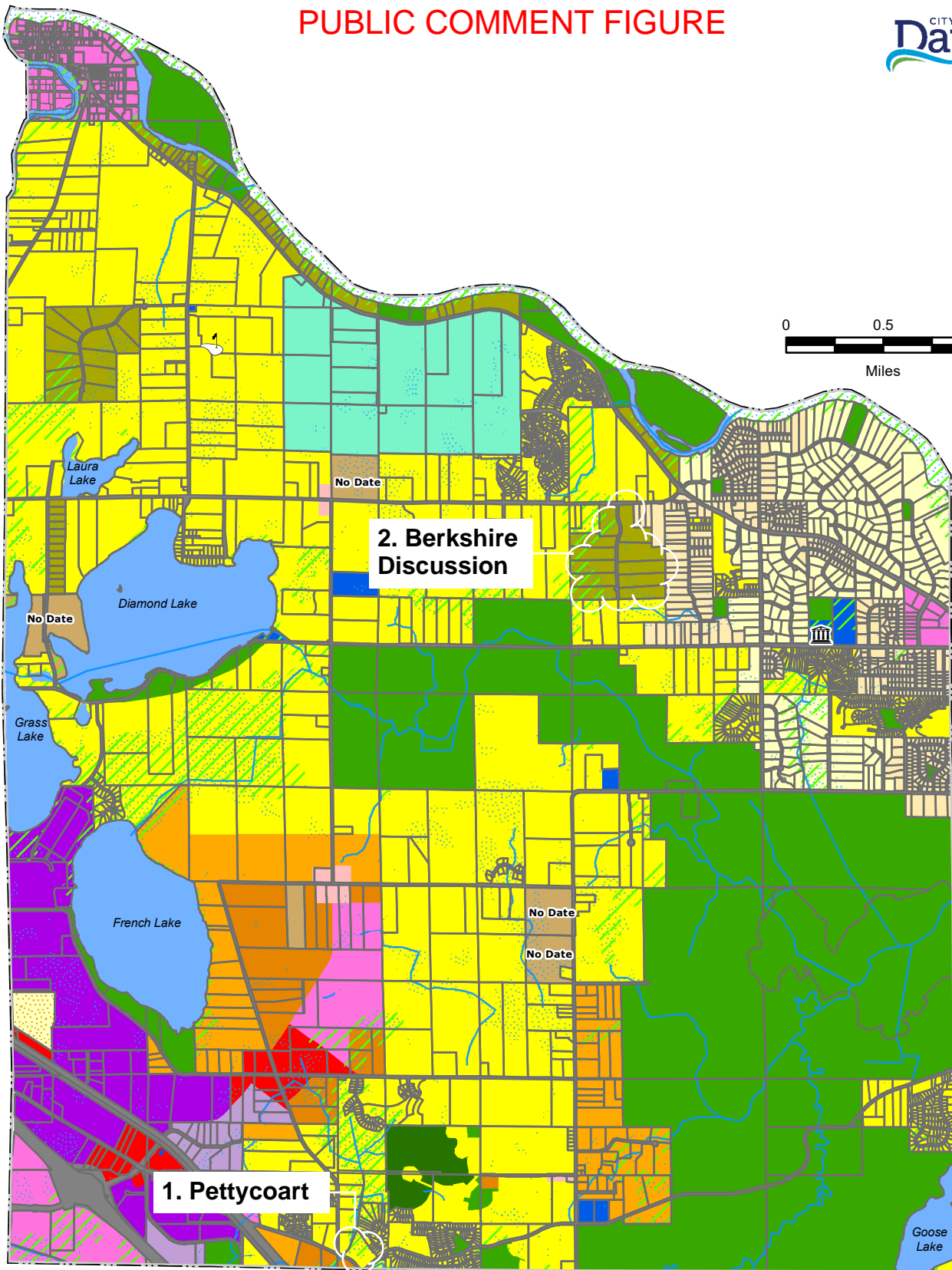
Ryan Woytcke, of 13880 Berkshire Lane, expressed that six property owners have requested that Berkshire Lane remain as drafted as Rural Estate. To summarize Woytcke: the Rural Estate designation preserves the character of the Neighborhood as it exists today. Additionally, the topography and natural resources present in the neighborhood is much different that exists across the street in the Cypress Cove development. Sewered development would alter the character in which the properties were developed.

The Berkshire Lane Figure attached shows which neighbors have request Rural Estate and which have request Low Density Residential

- a. The Planning Commission had varying positions and ultimately the Commission forwards the following comments:
 - i. The neighborhood should be looked at as a whole in either case, Rural or Low Density. The parcels would be difficult to develop one parcel at a time due to the layout of the development as long rectangular lots.
 - ii. All of the owners (whether future or present) should come in together when they are ready for development.
 - iii. Maintaining the rural estate designation does have benefit in conserving rural lots in Dayton, but does not necessarily prohibit future Land Use changes (either by amendment or when a future Comprehensive Plan is adopted).

2040 Future Land Use

PUBLIC COMMENT FIGURE



Legend

STAGING PLAN PUBLIC COMMENTS AND PLANNING COMMISSION RECOMMENDATIONS

The below items should be viewed with the 2040 Staging Plan Figure attached. Each number below corresponds to a number on the map.

1. Robert Engstrom, owns three parcels east of Diamond Lake along Zanzibar Lane (PIDs: 17-120-22-13-0005, 17-120-22-42-0003, and 17-120-22-41-0001). He has requested his staging to be changed from the drafted Post-2050 to the 2040 Staging decade.
 - a. The Planning Commission recommended making this change to the plan.



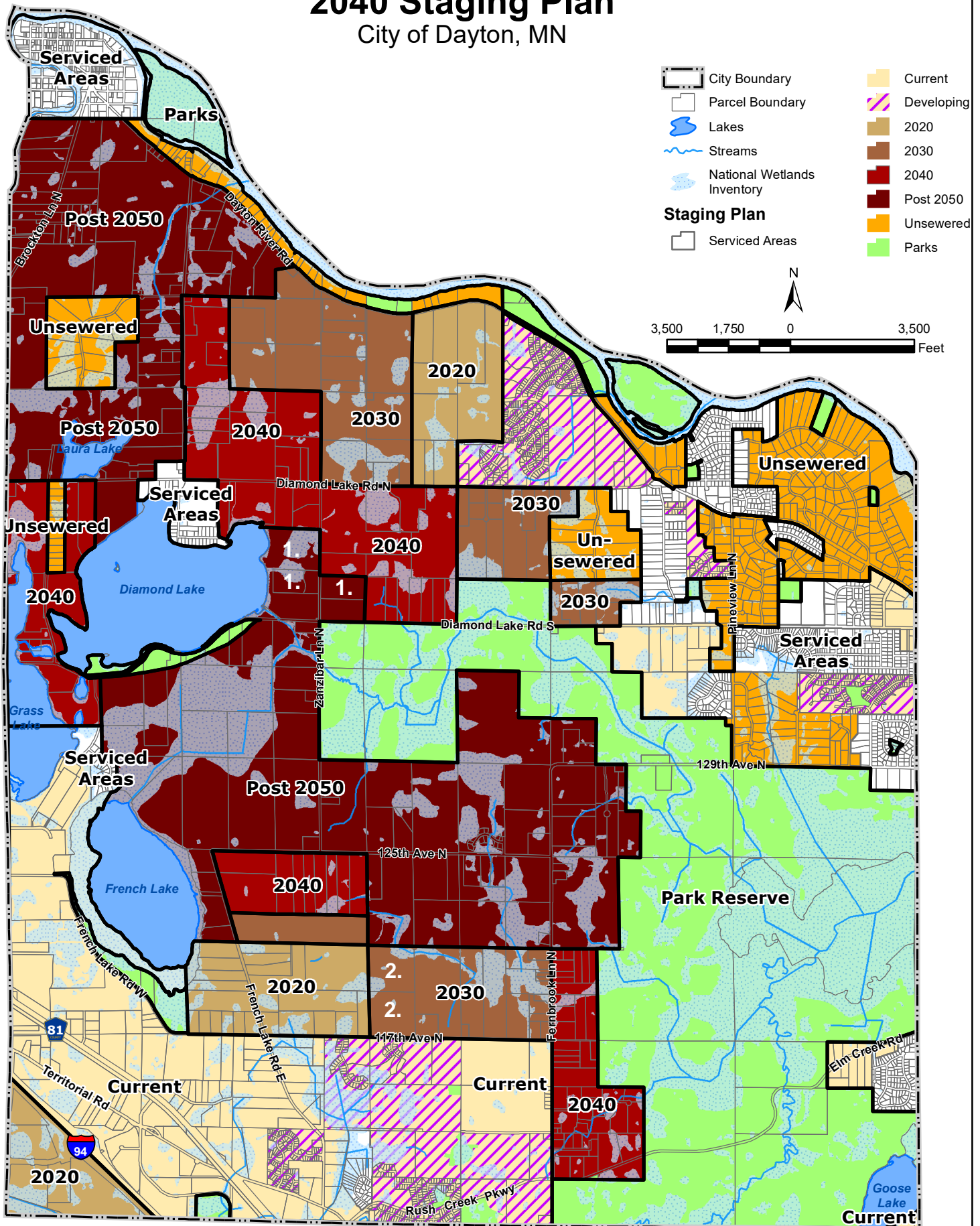
2. Bob Dehn, at 15820 117th, has had his parcels in the 2020 staging area in the previous plan. In this draft plan his parcels along 117th have been shifted to 2030. Bob Dehn has requested his parcels be returned to the 2020 staging area.
 - a. The Planning Commission requested staff look into this request for the City Councils review.
 - b. Item 2 required staff to look into the 2020 and 2030 staging areas east of French Lake. The Dehn parcels future land use is planned for Low Density Residential. If these parcels are placed in the 2020 staging decade, this would add

approximately 120 units to 2020 staging and reduce the 2030 staging by approximately 120 units. See the aerial below.



2040 Staging Plan

City of Dayton, MN



Note: The Staging Plan represents a progression of sewer that is based on location of existing sanitary sewer and anticipated extension as development progresses. The city does not commit to extensions occurring.



Sewered Rural Residential – Land Use Memo

To: Mayor and City Council Members; Planning Commission

From: Tina Goodroad, City Administrator and Development Director, and

Alec Henderson, Planner

Subject: Discussion regarding potential large lots with sewer

Background

Unsewered areas, with sewer potential

There are several neighborhoods in Dayton where sewer extension could be possible, but where existing or future residents may value larger lots. Similarly, there may be other existing conditions or regulations which would require larger lots (e.g. Mississippi River Regulations). Prior to allowing a large lot sewer designation, a definition is required to open up the possibility of future amendments for a possible large lot sewer designation.

Sewered Residential Land Uses in Dayton

To preface this conversation, the Metropolitan Council requires that all future *sewered* residential land uses in Dayton have an overall density of 3.00 units an acre. Each year we submit platting information detailing the number of lots platted in the year and the net densities of those plats (Units/ Gross Acres – wetlands – *major* right of way). So, any land that is currently not guided for residential sewer which later is placed in a category which requires sewer impacts our overall sewered residential density. For instance, if additional land is placed in a lower density designation, additional land in higher density designations may be needed to balance the overall density to being at least 3.00 units an acre (and no more than 5 units an acre). However, if the general consensus is that what is currently guided for sewered residential is adequate, but there is still appetite for requests for a sewered district with Rural Character lots (meaning densities which are lower than 2 units an acre), we either have to cap the amount of land which can be switched from an unsewered designation to a new Sewered Rural Residential designation, or we have to know where in the City we want Sewered Rural Residential Designations and incorporate higher density designations elsewhere to balance densities.

Discussion

Staff would pose some questions which may help determine direction of this discussion.

1. Is there room in the market for large sewered lots?
 - a. Is this market driven by a buyers' preference for larger lots?
 - b. Is there a changing perception for private water and sewer treatment (well and septic)?
 - c. If this is not known then maybe the simplest way to move forward is to cap the amount of acres switch from no sewer, to Sewered Rural Residential. This way we can track these requests and acquire additional information to increase the variety of sewered residential lots.
2. What does Sewered Rural Residential Development look like?
 - a. Are the lots 5 acres, or 2.5 acres?
 - b. Should these lots forever be large lots? Or do we wish to preserve the future ability to further subdivide?

SEWERED RURAL RESIDENTIAL LAND USE MEMO

Land Use Alternatives

1. Create a *Sewered Rural Residential* Designation (may have to amend zoning code to create a zoning district to match, or revise the R-E or R-2 Districts to allow sewer).
 - a. Determine the minimum/maximum densities for this district (minimum and maximum lot size in the district to ensure densities can be implemented at time of plat).
 - b. Again, a less dense sewer residential district will impact our overall density. Below are tables which shows a .4 unit per acre density (2.5 acre lots), a .2 unit per acre density (5 acre lot) minimum density, as well as a 1 unit per acre density (1 acre lots).

SEWERED RESIDENTIAL DEVELOPABLE

FLU	GROSS	Net Acres	Park Dedication	Net Developable Land	Minimum Density	Unit Capacity
Sewered Rural Residential (2.5 acre)				160	0.4	64.00
Low Density Residential	5675	4405	441	3,965	2.00	7,929
Critical Area - Low Density Residential	156	135	14	122	2.00	244
Medium Density Residential	606	521	52	469	5.00	2,344
High Density Residential	265	219	22	197	12.00	2,362
Master Planned Development	575	529	53	476	3.01	1,434
Mixed Use	411	271	27	244	12.00	2,923
Critical Area - Mixed Use	70	51	5	23	12.00	275
Existing Sewered Low Density Residential	394	374	0	374	1.18	441
Critical Area - Existing Sewered Low Density Residential	48	40	0	40	1.18	47
Existing Mobile Home Park	32	32	0	32	7.60	246
Total	-	6,577		6,101		18,310
OVERALL DENSITY	3.00 (from 3.07)					

- For a 2.5 acre lot size that is sewer (.4 units/acre), we would have to cap the amount of land entered into this designation at 160 net acres (excludes major ROW, wetlands, parks).

SEWERED RURAL RESIDENTIAL LAND USE MEMO

SEWERED RESIDENTIAL DEVELOPABLE

FLU	GROSS	Net Acres	Park Dedication	Net Developable Land	Minimum Density	Unit Capacity
Sewered Rural Residential (5 acre)				140	0.2	28.00
Low Density Residential	5675	4405	441	3,965	2.00	7,929
Critical Area - Low Density Residential	156	135	14	122	2.00	244
Low - Medium Density Residential	0	0	0	0	3.50	0
Medium Density Residential	606	521	52	469	5.00	2,344
High Density Residential	265	219	22	197	12.00	2,362
Master Planned Development	575	529	53	476	3.01	1,434
Mixed Use	411	271	27	244	12.00	2,923
Critical Area - Mixed Use	70	51	5	23	12.00	275
Existing Sewered Low Density Residential	394	374	0	374	1.18	441
Critical Area - Existing Sewered Low Density Residential	48	40	0	40	1.18	47
Existing Mobile Home Park	32	32	0	32	7.60	246
Total	-	6,577		6,081		18,274
OVERALL DENSITY	3.00 (From 3.07)					

- For a 5 acre lot size that is sewerd (.2 units/acre), we would have to cap the amount of land entered into this designation at 140 net acres (excludes major ROW, wetlands, parks).

SEWERED RURAL RESIDENTIAL LAND USE MEMO

SEWERED RESIDENTIAL DEVELOPABLE

FLU	GROSS	Net Acres	Park Dedication	Net Developable Land	Minimum Density	Unit Capacity
Sewered Rural Residential (1 acre)				200	1.00	200.00
Low Density Residential	5675	4405	441	3,965	2.00	7,929
Critical Area - Low Density Residential	156	135	14	122	2.00	244
Low - Medium Density Residential	0	0	0	0	3.50	0
Medium Density Residential	606	521	52	469	5.00	2,344
High Density Residential	265	219	22	197	12.00	2,362
Master Planned Development	575	529	53	476	3.01	1,434
Mixed Use	411	271	27	244	12.00	2,923
Critical Area - Mixed Use	70	51	5	23	12.00	275
Existing Sewered Low Density Residential	394	374	0	374	1.18	441
Critical Area - Existing Sewered Low Density Residential	48	40	0	40	1.18	47
Existing Mobile Home Park	32	32	0	32	7.60	246
Total	-	6,577		6,141		18,446
OVERALL DENSITY	3.00 (From 3.07)					

- For a 1 acre lot size that is sewered (1 units/acre), we would have to cap the amount of land entered into this designation at 200 net acres (excludes major ROW, wetlands, parks).
2. The other option for designations is to plan for unsewered residential development areas. If this is done, then the density requirement from the Met Council is not impacted. However, development fees could potentially be increased in sewered development areas because there would be less land to spread infrastructure costs to. The trunk system and locations of infrastructure may not change even with pockets of unsewered development areas.
- There are always unknowns involved regarding future development and market trends. Will there be increased restrictions for private wells (will increasing the number of private wells impact the aquifer/source of municipal water)? Will septic design requirements for new systems change (potentially making the cost difference per lot of sewer, vs SSTs negligible)?

End of memo

Mayor McNeil called the public meeting to order at 6:30 p.m.

PRESENT: Mayor Tim McNeil, Bob O'Brien, Dennis Fisher. Jon Mellberg, and Julie Gustafson

ABSENT: none

ALSO PRESENT: Police Chief Paul Enga; Associate Planner, Alec Henderson; City Administrator/Development Director Tina Goodroad; and City Clerk Amy Benting (remote)

APPROVAL OF AGENDA:

I.5 McNeil announced the addition of Item I.5 approving applications for COVID relief dollars.

MOTION: Motion was made by Councilmember O'Brien, seconded by Councilmember Fisher, to approve the agenda items, amended. Motion passed unanimously.

CONSENT ITEMS:

- A. Approval of Council Meeting Minutes of September 8, 2020
- B. Approval of Payment of Claims for September 22, 2020
- C. Approval of Resolution 56-2020; Appointing Election Judges for the General
- D. City Project Update
- E. Approval of Gambling Application from Church of St. John the Baptist
- F. Approval of Resolution 57-2020; Amendment to the County Recycling Contract
- G. Approval of SRF Supplement Agreement Amendment to Complete BNSF Coordination
- H. Approval of Pay Application #3 and Change Order #1 for Pineview/Oakview Improvements
- I. Approval of Pay Application #1 for Wellhouse #1 Modifications

MOTION: Motion was made by Councilmember O'Brien, seconded by Councilmember Gustafson, to approve the Consent Agenda as read. Motion passes unanimously.

OPEN FORUM:

Video stopped at 7:15 for open forum. Video resumed at 7:30 p.m.

STAFF, CONSULTANT AND COUNCIL UPDATES:

Goodroad – Announced an upcoming work session on October 13 with the Council and Fire Department. Goodroad asked Chief Mickelson to present further information the Fire Department CIP needs. Goodroad asked the Council if there were any other items they would like to discuss. Mayor McNeil discussed the process for the budget and CIP. He stated if Council has a budget modification they want, give it to Goodroad to present it at a future meeting. Mayor McNeil requested he would like to discuss compensation for the Fire Chief and pensions and allocating it differently. He said that is how Council should be handling all budget items. Gustafson would like to better understand subbing fire services out to Rogers or Maple Grove and the cost difference for 10 years. Goodroad recommended moving forward with disbursement of the grants. Goodroad stated the status and number of business COVID emergency grants applications.

Item I.5

MOTION: Motion was made by Councilmember O'Brien, seconded by Councilmember Fisher, to approve disbursement of COVID small business grants as recommended by staff and reimbursing businesses for City of Dayton liquor licenses. Motion passes unanimously.

COUNCIL BUSINESS:

New Business

J. Planning and Park Commission Interviews

Park Commission:

The Council interviewed two candidates for the Park Commission opening. Mike Wallen and Jack Prom were both interviewed

Planning Commission:

Randy Dahlheimer, Jon Sevald and Darren Browen were interviewed for the Planning commission.

Action Items

K. Consider Approval of Term Sheet for Project Launch TIF Application

Goodroad reviewed the project and stated the Company is pursuing TIF grants in the French Lake Industrial area. Ehlers and Associates has prepared further information and is asking the City to review and sign the term sheet. She asked Keith Dahl to come forward and explain the request. Mr. Dahl presented a gap analysis that promotes

Dayton as a great venue for this company. He explained the City has the ability to shrink the gap and make the City look more appealing for the developer.

Council discussed the opportunity of the proposal, including high paying jobs, manufacturing instead of distribution, and the ability for the City to have input on how the building looks and fits in with the community.

MOTION: Motion was made by Councilmember O'Brien, seconded by Councilmember Gustafson to approve the term sheet. Motion passes unanimously.

L. 2040 Comprehensive Plan Review

Goodroad provided a brief summary of the 2040 Comp Plan, its purpose, and the requirements within the plan. Goodroad explained each chapter and highlighted land use.

Ms. Goodroad stated the City received a message from a property to the south wanting their land zoning changes. The Planning Commission decided to leave the zoning the same. Ms. Goodroad reviewed the concerns of the Diamond Hills Estates development where there is division on becoming low density or remaining rural estate.

Peter Coyle, on behalf of the Weidemas on Diamond Lake Road, came forward to oppose the decision to downgrade the Weidemas' property from urban reserve to rural estate. He asked the Council to look at making the property low-density housing instead of rural estate. Mr. Coyle went through several points that support the Weidemas' desire to subdivide and spoke on actions he said the City has taken to not allow it.

Jeff Munzel, 13971 Berkshire Lane N, came forward and commented on the Berkshire Lane Development. He said the original landowners intended that this was always going to be set aside for large undeveloped lots. He referred to a covenant agreement that defined the areas as a rural estate. Mr. Munzel stated he found a document filed in Hennepin County and appealed to the Council to stay the course.

Kathy Meyers, 13800 Berkshire Lane, came forward and recounted her past efforts and current position on the Berkshire Lane zoning. She stated she supports it remaining rural estate.

Ryan and Stacy Woytcke, 13880 Berkshire Lane, came forward and said it was a unanimous decision in 2018 and agreed the meeting in May was providing direction. Mr.

Woytcke stated perception creates reality. Mr. Woytcke referred to a letter sent by the applicant to the City in June of 2020 stating the applicant is trying to change City policy. Ms. Woytcke mentioned several of her neighbors who were on Zoom and were supporting the view of the Woytckes.

Darren Browen, 11358 Parkside Trail, came forward and said it is a horrible precedence to mix covenants and land use plans.

Caroline Wander, 13771 Berkshire Lane, spoke from zoom, and confirmed that she is alignment with the Woytckes statement.

Greg Christian, 13730 Berkshire Lane, spoke from zoom and stated he agreed with the Woytckes.

McNeil reiterated the options Council could take leave as rural estate; change to low residential; or change just the Weidema property to a low density sewer district.

Goodroad went on with the Comprehensive Plan Update regarding unsewered areas next to sewer districts. Council discussed allowing lots to subdivide if they border a lot that has water and sewer with a minimum of a 2.5-acre lot. Council reached a consensus to allow this through an application process.

Mayor McNeil announced the Commissioners appointed to the Parks Commission and the Planning Commission. Jack Prom has been re-appointed to the Parks Commission and Jon Sevald and Darren Browen have been appointed to the Planning Commission.

Goodroad reviewed the 10-year incremental staging plan stating the City is focusing on the 2020 and 2030 areas. She stated it is based on the expansion of water and sewer. Goodroad identified areas that have been requested for changes by the landowners. Council reached consensus to approve moving these two properties in the staging plan.

Goodroad told Council staff is working on a growth ordinance with the City Attorney. Council concurred that staff pursue a growth ordinance.

Goodroad presented the remaining chapters of the Comprehensive Plan, identifying areas that have had changes.

Closed Session

COUNCIL MEETING
SEPTEMBER 22, 2020
6:30 P.M.
PAGE 5 OF 5

CITY OF DAYTON, MINNESOTA
12260 SO. DIAMOND LAKE ROAD
HENNEPIN/WRIGHT COUNTIES

M. Motion to Close the Meeting, Pursuant to Minn. Stat. 13D.03, for Labor
Negotiation Strategy Purposes

MOTION: Motion was made by Councilmember O'Brien, seconded by Councilmember
Gustafson, to enter a Closed Session Meeting, Pursuant to Minn. Stat. 13D.03, for
Labor Negotiation Strategy Purposes

ADJOURNMENT:

MOTION: Motion was made by Councilmember O'Brien, seconded by Councilmember
Fisher to adjourn at 10:11 p.m. Motion carries unanimously.

Respectfully Submitted,

Shari Kunza, Recording Secretary
TimeSaver Off Site Secretarial, Inc.

Approved: _____

Attest: *Amy Benting*

ITEM:

Resolution 58-2020 Authorizing Submittal of 2040 Comprehensive Plan Update

PREPARED BY:

Tina Goodroad, City Administrator/Development Director and Alec Henderson, Planner

POLICY DECISION / ACTION TO BE CONSIDERED:

Res. 58-2020

BACKGROUND:

The City of Dayton has completed its 2040 Comprehensive Plan update. A Comprehensive plan is a long-term guide for future growth and development of a city. State statute requires communities to update their plan every 10-years. Major elements include land use, transportation and plans for parks and trails. Twelve chapters have been prepared based on check list requirements set by the Met Council.

The Planning Commission and City Council have previously reviewed the chapters prior to the jurisdictional review which concluded at the end of August. During the public hearing by the Planning Commission on September 3rd some specific land use and staging requests were made. On September 22nd, the Council approved the requests which were supported by the Planning Commission. Additionally, the Council directed staff to create a new category called Sewered Rural Residential, and narrative for this new designation. In addition to the Comprehensive Plan changes, staff has been working on a update to the growth management ordinance. This would be adopted as part of the implementation of the comp plan after final adoption.

Land Use:

The proposed Sewered Rural Residential Land use could be a transitional land use as an optional designation that would allow for some sewered divisions (of existing platted lots) but at a transitional density level as a comprehensive plan amendment. The amount of land which could be reguied as a Sewered Rural Residential designation is limited as the lower density of this type of district would impact our city-wide density.

Staff has the following drafted for the new designation which will be added to the Land Use Descriptions figure in the Plan.

Sewered Rural Residential	This category is intended for a limited number of acres where property owners may wish to extend sewer and water to, or subdivide, larger lots than what is permitted through the standard Low Density Residential land use. Property owners would be required to apply for a comprehensive plan amendment prior to allowing sewer on these larger lots. The minimum lot size for this land use is 1 acre and the maximum lot size is 2.5 acres. The minimum density shall be .4 units/acre and the maximum 1 unit/acre. To ensure the City's overall density is not impacted, the cap on acres requested for this land use shall be 160 <i>net</i> acres.
----------------------------------	--

Additionally, the following narrative has been added to the Plan:

*A new sewered residential land use is being introduced in this Plan. **Sewered Rural Residential** is intended for the subdivision or the connection of sewer to larger lots with a maximum lot size of 2.5 acres and a minimum lot size of 1 acre. This Land Use designation could allow for transitional areas between existing larger lots and more recent Low Density Residential subdivisions, or where higher densities may be improbable due to natural features (e.g. the Mississippi River Rules). This land use is by request only, therefore no parcels yet have this designation assigned. In order to ensure that the City's overall density is not impacted by reguiding parcels to this new designation, the City has capped this amount of land allowed in this designation to 160 net acres. Areas currently guided as unsewered, but are near to existing sewer facilities, will be given first priority for this new designation. To allow more than 160 net acres, the City would have to complete a more intense Land Use Map amendment to increase sewered densities in some areas to ensure that the City maintains a 3.00 unit/acre density overall.*

Having a range of lots sizes from 1 acre to 2.5 acres has the benefit of allowing more flexibility in lot sizes for areas like Wildwood Springs in the event that owners would like to subdivide and provide sewer/water service to their lots. It should be noted that a large majority of lots are already 2 to 2.5 acres in size. If the minimum lot size for the Sewered Rural Residential guidance is set at 2.5 acres, dragging sewer to these areas may be more difficult should the owners wish to develop at the Sewered Rural Residential at a lower density. If the Council wishes to keep the minimum lots around 2 to 2.5 acres in size, we simply have to provide a more conservative Net Acres cap and edit a few lines of text.

All residential land uses, and minimum densities average out to 3.07 units per acre meeting the Met Council minimum requirement for emerging suburban edge communities (without any land pre-emptively guided as Sewered Rural).

GROWTH MANAGEMENT:

The Council asked staff to look at options for a Growth Management Ordinance to assist the City in implementing the Staging Plan and ensure orderly growth. The following information is a draft *concept* that would need further refinement and would be considered as an amendment to the Subdivision ordinance. Staff is working with City Atty Squires on this draft. It will require a strong purpose and intent demonstrating legislative need for the ordinance. It will also require a public hearing and staff will seek input from developers/builders as we have in the past with other ordinance updates.

The draft Growth Ordinance concept would be a tool to open the 2020 Staging (and subsequent stages) area and places a flexible cap on the amount of gross acres which can be developed. To simplify the explanation, we will use *generic* numbers for the report's discussion.

If in the 2020 Staging areas in Dayton there is a total of 500 gross acres which could be developed, each year 10% of the land is opened (e.g. in year one 50 acres are opened, year two, an additional 50 acres, and so on until all 500 acres are open on the final year of the decade). Only at the end of any given calendar year does the City evaluate a cap, and determine whether the number of gross acres preliminary platted has exceeded the cap. If the Cap has been exceeded, then the City will temporarily cease preliminary plat reviews until a calendar year in which additional land is opened.

Mayor McNeil called the public meeting to order at 6:30 p.m.

PRESENT: Mayor Tim McNeil, Bob O'Brien (remote), Dennis Fisher, Jon Mellberg, and Julie Gustafson

ABSENT:

ALSO PRESENT: Police Chief Paul Enga; Public Works Superintendent Marty Farrell, City Administrator/Development Director Tina Goodroad; and City Clerk Amy Benting

APPROVAL OF AGENDA:

McNeil requested item J. Hennepin County Sheriff's Office Update be moved after Consent Items.

MOTION: Motion was made by Councilmember Mellberg, seconded by Councilmember Gustafson, to approve the agenda items as amended. Motion passed unanimously.

CONSENT ITEMS:

- A. Approval of Council Meeting Minutes of September 22, 2020
- B. Approval of Payment of Claims for October 13, 2020
- C. Resolution 59-2020; Final Plat for Lone Gardens and Developers Agreement
- D. Approval of Well House 4 Change Order 2
- E. Approval of Finance Position Description
- F. Approval of Well House 1 Modifications - Pay Application 2
- G. Approval of Brayburn LOC Reductions for 3rd and 4th Additions
- H. Approval of Change Order 10 for Dayton Parkway Interchange
- I. Approval of Settlement Agreement Related to Pineview/Oakview Lane

MOTION: Motion was made by Councilmember Mellberg, seconded by Councilmember Gustafson, to approve the Consent Agenda as read. Motion passed unanimously.

OPEN FORUM:

Open Forum is not televised nor documented in minutes.

STAFF, CONSULTANT AND COUNCIL UPDATES:

Goodroad – Requested Council select a date for a Ribbon Cutting Ceremony at Stephens Farm Park for park construction projects on October 29 at 5:30 p.m. Goodroad announced she was nominated and selected to a three-year term on the Board of Sensible Land Use Coalition. She provided Council with development project updates.

Goodroad stated she has responded to developers interested in the French Lake Golf Course property. The City is working on the Southwest Dayton feasibility study and will do similar feasibility studies for developable land such as the golf course and land north of it. She updated the Council on the TIF agreement for Project Launch and will be holding a Public Hearing on Oct. 27th. Goodroad stated there will be several significant Planning Commission items coming up which will go to Council in November. Goodroad announced Teresa is holding a Halloween event on October 31 which is free, but participants are asked to register. She stated it is a walk-through event that is COVID-safe and details can be found on the City's website and Facebook page.

Farrell – Showed the Council drone footage of park, street, and the interchange projects. He stated staff are flushing hydrants. He stated a water swap out in the Old Village is scheduled to hook it up to the new system. He stated Well #4 is undergoing test pumping.

New Business

J. Hennepin County Sheriff's Office Update

Sheriff Hutchinson came forward remotely to present an update. He stated the Sheriff's Office has not had to make many responses in the City due to the quality of Dayton's Police Department. He stated the Sheriff's Office collaborates with Dayton Police to provide extended services. He explained how the Sheriff's Department is responding to conflict in the County, promoting wellness among its staff, and responding to COVID. He stated the Sheriff's Department is doing the best they can with the staff they have to make the County a great place to live.

Chief Enga stated every municipality is preparing for civil unrest and he will be coming with a request for equipment at a future Council meeting. He announced the City is amending its Joint Powers Agreement with the County to provide assistance to the County during civil unrest.

Sheriff Hutchinson stated the Sheriff's Department is well prepared for future civil unrest events and is collaborating with suburban cities for a coordinated response for situations that arise in the northwest suburbs.

STAFF, CONSULTANT AND COUNCIL UPDATES:

Enga – Received a storm siren from a neighboring city and will install it on South Diamond Lake Trail to cover the southern portion of the City.

Mickelson – Reported the Fire Department is on-boarding 6 firefighters

McNeil – Announced the Magnus Foundation received a donation of land valued at \$4 million. The Magnus Foundation serves veterans with a new wholistic service model. McNeil had a meeting with a development in Champlin and the County is proposing an entrance on Arrowwood. The cities involved in this meeting do not agree with the County and he asked the Council to vote on not supporting access off Arrowwood at the next meeting. McNeil reported conceptual redevelopment plans for the Historic Village will be coming to EDA and Council.

COUNCIL BUSINESS:

New Business

K. Utility Rate Analysis Presentation & Discussion

Goodroad stated the City contracts with AEM to update the City's utility rate factoring in long-term water and sewer improvements. Vicky Holthaus, from AEM, came forward remotely to present the study to the Council. Holthaus summarized three water scenarios: 1) South Dayton tower and water treatment plant; 2) South Dayton tower and no water treatment plant; and 3) No South Dayton tower and constructing a water treatment plant. Holthaus presented financial details in each scenario. Holthaus stated AEM recommends the City continues 3% annual rate increases to keep up with the costs of providing water and infrastructure. The Council discussed water supply, water quality, rates, and increases.

L. Discussion: CIP Sewer and Water Funds

Goodroad presented the CIP for Sewer and Water and asked Council for their feedback and requests for changes. McNeil asked Council to send their concerns to staff via email before the CIP is voted on.

M. CARES Funding Update

Goodroad stated the CARES allocation to the City was \$467,000 and the City has reported \$72,000 in spending. The City has dispersed the small business grants and the liquor license refunds.

Action Items

- N. Resolution 58-2020; Authorizing Distribution of the 2040 Comprehensive Plan to the Metropolitan Council**

Goodroad presented draft changes to the sewerage rural residential area and language for growth management.

MOTION: Motion was made by Councilmember Mellberg, seconded by Gustafson to approve Resolution 58-2020 authorizing distribution of the City of Dayton 2040 Comprehensive Plan Update to the Metropolitan Council. Motion passes unanimously.

O. South Dayton Water System - Test Well Drilling

Quisberg stated the City is hiring a contractor to test water quality in south Dayton to identify potential well sites. He said the work was authorized in January and Council is asked to award the contract to Traut Companies.

MOTION: Motion was made by Councilmember Mellberg, seconded by Gustafson to award the Test Well Drilling contract to Taut Companies. Motion passes unanimously.

Closed Session

~~P. Motion to close the meeting under attorney-client privilege and pursuant to MN Stat. 13D.05 to the Open Meeting Law to discuss settlement in the case Camp v. City of Dayton~~

The Council did not have questions for the League of MN Attorney and did not go into closed session for this item.

Q. Motion to close the meeting, pursuant to Minn. Stat. 13D.03, for Labor Negotiation Strategy Purposes

MOTION: Motion was made by Councilmember Mellberg, seconded by Councilmember Fisher, to enter a Closed Session Meeting, Pursuant to Minnesota Statutes 13D.03 to discuss labor negotiations. Motion carried unanimously.

The City Council recessed the meeting at 8:32 p.m. to a Closed Session

The City Council reconvened at 8:38 p.m.

Action Items

R. Reconvene Meeting to Consider Approval of Labor Agreement

MOTION: Motion was made by Councilmember Mellberg, seconded by Councilmember Fisher, to approve Labor Agreements for Teamsters, Law Enforcement 320, and AFSCME. Motion carried unanimously

ADJOURNMENT:

MOTION: Motion was made by Councilmember Gustafson, seconded by Councilmember Mellberg to adjourn at 8:39 p.m. Motion carries unanimously.

Respectfully Submitted,

Shari Kunza, Recording Secretary
TimeSaver Off Site Secretarial, Inc.

Approved: _____

Attest: Amy Benting

To add to this explanation (using the same 500 gross acres in the decade above), let us say that in year one, 30 acres are preliminary platted. At the end of year one, we can determine that the cap has not been exceeded and a halt on preliminary plat applications is not necessary. At the end of year one there are 20 acres left, and in year two and additional 50 acres are opened (total of 70 acres which can be preliminary platted). In year two, let us say that 200 acres are preliminary platted. At the end of year two, the City now finds that the gross acre cap has been exceeded and the City can no longer receive preliminary plat applications in the 2020 staging area until a subsequent year opens enough acres to allow additional land to be platted. See the below table which illustrates the concept.

2020 - 2030 Staging area Gross Acres Allocation					
Percent Allocation	Gross acres allocated/yr	Pre Platted acres	Allocation Remaining/yr	Total Platted acres year end (cumulative)	Open/Closed
2020	50	60		60	Open
2021	100	40	40	100	Open
2022	150	101	50	201	Open (cap exceeded year end)
2023	200	0	0	201	Closed
2024	250	80	50	281	Open
2025	300	150	20	431	Open (cap exceeded year end)
2026	350	0	-80	431	Closed
2027	400	0	-30	431	Closed
2028	450	69	20	500	Open (cap exceeded year end)
2029	500	-	0	500	Closed (decade allocation exhausted)
TOTAL Gross Acres 500.					

The Growth Management Ordinance is only regulated the 2020 staging area. No cap is proposed for the "Current" staging area and preliminary plats may continue to be accepted.

It may be necessary as we finalize this draft to allow a variance or other flexibility tool to allow consideration of additional acreage in a given year. This would require very clear method of determination that can be consistently applied.

RECOMMENDATION:

Staff seeks final input on the Comprehensive Plan and the Adoption of Resolution 58-2020 authorizing the submittal of the Comprehensive Plan to the Metropolitan Council.

ATTACHMENT(S):

Resolution 58-2020

Draft Growth Management Ordinance

RESOLUTION 58-2020

RESOLUTION AUTHORIZING DISTRIBUTION OF THE CITY OF DAYTON 2040 COMPREHENSIVE PLAN UPDATE TO THE METROPOLITAN COUNCIL

WHEREAS, Minnesota Statutes section 473.864 requires each local governmental unit to review and, if necessary, amend its entire comprehensive plan and its fiscal devices and official controls at least once every ten years to ensure its comprehensive plan conforms to metropolitan system plans and ensure its fiscal devices and official controls do not conflict with the comprehensive plan or permit activities that conflict with metropolitan system plans; and

WHEREAS, the City Council, Planning Commission, and the City Staff have prepared a proposed Comprehensive Plan intended to meet the requirements of the Metropolitan Land Planning Act and Metropolitan Council guidelines and procedures; and

WHEREAS, pursuant to Minnesota Statutes section 473.858, the proposed Comprehensive Plan was submitted to adjacent governmental units and affected special districts and school districts for review and comment on February 24, 2020, and the statutory six-month review and comment period has elapsed; and

WHEREAS, the Planning Commission has considered the proposed Comprehensive Plan and all public comments, and thereafter submitted its recommendations to this Council/Board; and

WHEREAS, the City conducted a public hearing on September 8, 2020 relative to the adoption of the proposed Comprehensive Plan; and

WHEREAS, the City Council has reviewed the proposed Comprehensive Plan and those recommendations, public comments, and comments from adjacent jurisdictions and affected districts; and

WHEREAS, Minnesota Statutes section 473.858 requires a local governmental unit to submit its proposed comprehensive plan to the Metropolitan Council following recommendation by the planning commission and after consideration but before final approval by the governing body of the local governmental unit.

WHEREAS, based on its review of the proposed Comprehensive Plan and Planning Commission and staff recommendations, the City Council is ready to submit its proposed plan to the Metropolitan Council for review pursuant to Minnesota Statutes section 473.864; and

NOW THERE, BE IT RESOLVED BY THE CITY COUNCIL OF DAYTON, MINNESOTA, AS FOLLOWS:

1. The City Administrator, or their designee, is directed to distribute said Comprehensive Plan to the Metropolitan Council by October 30, 2020 pursuant to Minnesota Statutes section 473.864.

Adopted by the City Council October 13, 2020

Mayor, Tim McNeil

Attest:

Amy Benting, City Clerk

Motion by Mellberg second by Gustafson
Motion passed unanimously

Growth Management - DRAFT

(1) *Applicability.* This chapter applies to all guided property on the 2040 Future Land Use Plan and accompanying 2040 Staging Plan.

(2) *Purpose and Intent.*

a. The City Council finds and declares the following:

1. A measure of predictable, balance growth is desirable and necessary for the continued viability of the community.
2. A staging plan has been prepared defining the development staging areas sized to accommodate forecasted growth in its 2040 Comprehensive Plan.
3. A reasonable amount of staging flexibility is desirable because certain areas of the City may develop at different rates than forecasted.
4. Flexibility is also necessary due to the presence of homestead parcels in a given staging year that may not redevelop during that staging timeframe or may impede the extension of utilities required for development.
5. The health, safety, and general welfare of the City's residents is dependent on the continued availability of essential public facilities and services for forecasted growth.
6. The City's quality of life is dependent on its ability to provide essential services at anticipated quality and quantity levels.
7. Essential resources, facilities, and services include the following:
 - i. Municipal water system.
 - ii. Municipal wastewater treatment.
 - iii. Law enforcement facilities, equipment, services, and personnel.
 - iv. Fire protection facilities, equipment, services, and personnel.
 - v. Presence of State, County, and Local roads.
 - vi. Presence of Drainage and Stormwater management systems.
 - vii. Staff and administrative capacity to conduct permitted and construction supervision processes.
 - viii. Community facilities including parks and trails, recreation, and senior services.
 - ix. Other resources, facilities or services as determined by the City.

(3) *General Provisions.*

- a. The City will monitor the land within its urban services areas and report on an annual basis to the Planning Commission and City Council the estimated amount of vacant or developable land available within each land use category and the amount of preliminary platted and final platted lots. This reporting will be used by the City Council in reviewing the status of available land when considering opening a new staging area.
- b. The City Council, based on recommendation from the Planning Commission, shall determine by resolution when a staging area is to be added to the urban service area and therefore opened to development.
- c. The City Council's decision to extend urban services to or within a staging area is discretionary in nature giving the City the ability to open or not open a staging area, based on the following criteria:
 1. Whether the urban service area expansion is in the spirit and the intent of the Comprehensive Plan. Expansion of an urban service area may vary from the priority order as indicated on the Staging Plan of the 2040 Comprehensive Plan, if the City Council determines that to vary the order better represents the spirit and intent of the Comprehensive Plan to adequately develop in an orderly fashion.

2. Any urban service area expansions that are proposed for approval prior to the projected date in the Staging Plan of the Comprehensive Plan will require a Comprehensive Plan amendment as required by the Metropolitan Council.
 3. Essential resources, facilities, and services are available to support development in the new urban services area.
 4. Essential resource, facilities, and services will be considered available if they are not currently available, but will be provided as part of the urban service area expansion. The City Council may require appropriate analysis to determine if adequate resources, facilities and services will be available in a proposed urban service area expansion including, but not limited to, infrastructure studies, services studies, and funding analysis.
 5. The level of funding commitment, participation from private parties for any necessary infrastructure and service expansion.
 6. The level of commitment, including regulatory approvals and/or funding from other levels of government that are necessary or desirable for urban service area expansion.
 7. The impacts of the proposed urban service area expansion on the health safety, and general welfare of the City's existing citizens.
 8. Environmental impacts of the proposed urban service area expansion.
- (4) *2020-2030 Staging Area development restrictions and yearly gross acreage allocation.*
- a. To ensure orderly development, the City shall restrict the quantity of gross acres allowed to be preliminarily platted for residential purposes within the 2020 Staging Decade. For the purposes of this section, residential purposes shall include Low, Medium, and High-Density residential, and the residential uses in the Master Planned development areas (Mixed Use, Commercial, Business Park, and Industrial developments shall be excluded from the requirements of this section).
 - b. The 2020 Staging decade shall be split into yearly allowances through the decade starting in 2020 where 10% of the allowed gross acre may be platted. Each year an additional 10% of gross acres may be platted until 2029 where 100% of the gross acres of residentially guided land may be platted.
 - c. There shall be no annual limits on gross acres allowed to be preliminary platted in any given year unless by the end of that year the percentage allowance of gross acres is exceeded. Should the yearly allowance be exceeded, the staging decade shall be temporarily closed to preliminary platting for residential purposes until such a time as a subsequent years' allocation opens enough land where the balance of exceeded land area has been allocated. The following table illustrates this concept.

2020 - 2030 Staging area Gross Acres Allocation - Example					
Staging year	Gross acres allocated/yr	Pre Platted Platted acres/yr	Allocation remaining/yr	Total Platted acres year end (cumulative)	Open/Closed
2020	49.31	60		60	Open
2021	98.62	40	38.62	100	Open
2022	147.93	100	47.93	200	Open (cap exceeded year end)
2023	197.24	0	-2.76	200	Closed
2024	246.55	80	46.55	280	Open

2025	295.86	150	15.86	430	Open (cap exceeded year end)
2026	345.17	0	-84.83	430	Closed
2027	394.48	0	-35.52	430	Closed
2028	443.79	63.1	13.79	493.1	Open (cap exceeded year end)
2029	493.1	0	0	493.1	Closed (decade allocation exhausted)
TOTAL Gross Acres 493.10					

RESOLUTION 58-2020

RESOLUTION AUTHORIZING DISTRIBUTION OF THE CITY OF DAYTON 2040 COMPREHENSIVE PLAN UPDATE TO THE METROPOLITAN COUNCIL

WHEREAS, Minnesota Statutes section 473.864 requires each local governmental unit to review and, if necessary, amend its entire comprehensive plan and its fiscal devices and official controls at least once every ten years to ensure its comprehensive plan conforms to metropolitan system plans and ensure its fiscal devices and official controls do not conflict with the comprehensive plan or permit activities that conflict with metropolitan system plans; and

WHEREAS, the City Council, Planning Commission, and the City Staff have prepared a proposed Comprehensive Plan intended to meet the requirements of the Metropolitan Land Planning Act and Metropolitan Council guidelines and procedures; and

WHEREAS, pursuant to Minnesota Statutes section 473.858, the proposed Comprehensive Plan was submitted to adjacent governmental units and affected special districts and school districts for review and comment on February 24, 2020, and the statutory six-month review and comment period has elapsed; and

WHEREAS, the Planning Commission has considered the proposed Comprehensive Plan and all public comments, and thereafter submitted its recommendations to this Council/Board; and

WHEREAS, the City conducted a public hearing on September 8, 2020 relative to the adoption of the proposed Comprehensive Plan; and

WHEREAS, the City Council has reviewed the proposed Comprehensive Plan and those recommendations, public comments, and comments from adjacent jurisdictions and affected districts; and

WHEREAS, Minnesota Statutes section 473.858 requires a local governmental unit to submit its proposed comprehensive plan to the Metropolitan Council following recommendation by the planning commission and after consideration but before final approval by the governing body of the local governmental unit.

WHEREAS, based on its review of the proposed Comprehensive Plan and Planning Commission and staff recommendations, the City Council is ready to submit its proposed plan to the Metropolitan Council for review pursuant to Minnesota Statutes section 473.864; and

**NOW THERE, BE IT RESOLVED BY THE CITY COUNCIL OF DAYTON, MINNESOTA,
AS FOLLOWS:**

1. The City Administrator, or their designee, is directed to distribute said Comprehensive Plan to the Metropolitan Council by October 30, 2020 pursuant to Minnesota Statutes section 473.864.

Adopted by the City Council October 13, 2020



Mayor, Tim McNeil

Attest:



Amy Benting, City Clerk

Motion by Mellberg second by Gustafson
Motion passed unanimously



CITY OF CORCORAN

A Hidden Gem Waiting To Be Discovered

www.ci.corcoran.mn.us

March 26, 2020

Tina Goodroad
City Administrator/Development Director
City of Dayton
12260 S. Diamond Lake Road
Dayton, MN 55327

RE: Dayton 2040 Comprehensive Plan

Ms. Goodroad,

The City of Corcoran has reviewed the City of Dayton 2040 Comprehensive Plan update, which was received with your email dated February 24, 2020.

The City of Corcoran has reviewed that draft plan and find that there are no conflicts with the City of Corcoran plan. We have no comments.

Please feel free to contact City Administrator Brad Martens with questions at bmartens@ci.corcoran.mn.us or 763-400-7030.

Sincerely,

Ron Thomas
Mayor

Brad Martens
City Administrator

Copy: Kendra Lindahl, City Planner
City File

Jurisdiction Type	Jurisdiction Name	Comments received or Lapsed
Adjacent Community	Anoka;	Lapsed
Adjacent Community	Champlin;	Lapsed
Adjacent Community	Corcoran;	No conflicts, no comments
Adjacent Community	Maple Grove;	Comments received
Adjacent Community	Ramsey;	Lapsed
Adjacent Community	Rogers;	Lapsed
Adjacent Community	Anoka County;	Lapsed
Adjacent Community	Hennepin County;	Comments received, maps revised
Federal Agency	National Park Service; MNRRA	Lapsed
Out of Region Community	Elk River;	Lapsed
Out of Region Community	Otsego;	Lapsed
Out of Region Community	Sherburne County;	Lapsed
Out of Region Community	Wright County;	Lapsed
Regional Park Implementing Agency	Three Rivers Park District;	Comments received, maps revised
School District	11; Anoka-Hennepin	Lapsed
School District	279; Osseo	Lapsed
School District	728; Elk River	Lapsed
State Agency	MnDOT;	Lapsed
State Agency	MnDNR;	Comments received.
Watershed Management Organization	Elm Creek Watershed Management Commission;	Lapsed; previous review of water management plan
Watershed Management Organization	Lower Rum River Watershed Management Organization;	Lapsed; previous review of water management plan
Watershed Management Organization	West Mississippi Watershed Management Commission;	Lapsed; previous review of water management plan



12800 Arbor Lakes Parkway, Maple Grove, MN 55369-7064

May 27, 2020

Tina Goodroad
City of Dayton
12260 S. Diamond Lake Road
Dayton, MN 55327

RE: City of Dayton 2040 Comprehensive Plan

Ms. Goodroad,

The City of Maple Grove has reviewed the City of Dayton 2040 Comprehensive Plan and has the following comments:

Chapter 5 Comments

- Adding the future transportation system to the 2040 Land Use map would help in understanding future traffic flows and likely adjacent community impacts.
- Adding the future transportation system (and staging) to the 2040 Staging Plan would also help in this regard.

No action taken.

Chapter 5 & 8 Comments

- There are a number of areas in which development approval should be contingent on transportation improvements being made. There are also areas in which the proposed staging of development does not match the proposed staging of transportation system improvements. The attached map identifies these concerns but specifically they are:

Fernbrook Lane Area:

- Staging of the area between 113th and 117th, west of County Road 121 (Fernbrook), in the “Current” staging but Fernbrook improvements are not scheduled until 2035 and it is unclear what the schedule is for the Fernbrook Extension to Zanzibar.
- The same is the case for the area north of 117th in the 2030 staging.
- Development of these areas have, and will continue to, create significant traffic impacts on Fernbrook Lane in Maple Grove without the extension of Maple Grove Parkway to the existing Fernbrook alignment. The City of Maple Grove feels no additional development should occur in this area without an adequate transportation system.

No action taken.

Dayton Parkway Area:

- West of this area there is a large area of development in the 2020 staging but the Dayton Parkway extension isn't scheduled until 2035.
- Development of this area should be contingent on the Dayton Parkway extension improvements and the staging of land use and transportation systems should match.
- It is unclear what the schedule is for improvement of 117th Ave N.

No action taken.

Territorial Road Area:

- There is an area of high and medium density housing in the "Current" staging that will create significant impacts to Territorial Road in Maple Grove without Recommended Roadway System Improvements #1 and #2 on Page 8.31 and shown on Exhibit 10.

No action taken.

Chapter 8 Comments

Page 8.3 – River Crossings

- Second paragraphs states that a future corridor alignment between a future Mississippi River Crossing and the I-94/Dayton Parkway Interchange would be Vicksburg Lane/Zanzibar Lane to Dayton Parkway. As proposed, this future corridor alignment also directly connects to Fernbrook Lane (CSAH 121) and CSAH 81 in the City of Maple Grove, and has the potential to overload the existing 2-lane Fernbrook Lane and its intersection with CSAH 81. Did the 2040 forecasts include a future Mississippi River Crossing along this corridor?

Page 8.12 – Figure 2B – Future Functional Class

- Along the shared border between the Cities of Dayton and Maple Grove, it is desirable for roadways that are continuous across the city borders have consistent functional classifications.
 - Holly Lane in the City of Maple Grove's approved 2040 Transportation Plan is identified as a future Minor Collector roadway; however, in Figure 2B of the City of Dayton's Transportation Plan is identified as a local street. The City of Dayton may want to consider identifying Holly Lane between its shared Maple Grove border to the future Dayton Parkway a Minor Collector. This will provide a future continuous minor collector roadway connection between Dayton Parkway and 105th Avenue in Maple Grove.
 - The future Vicksburg Lane/Zanzibar Lane corridor, including its connection with Fernbrook Lane (CSAH 121) to the shared border with the City of Maple Grove, is identified as a future A-Minor Arterial. Fernbrook Lane (CSAH 121) in the Hennepin County 2040 Transportation Plan and the City of Maple Grove's 2040 Transportation Plan is identified as a Major Collector. This proposed change would require changes to both Hennepin County and the City of Maple Grove's functional classification. This proposed change in functional classification will not likely occur without either the substantial County improvements to this section of Fernbrook Lane (CSAH 121), or the future Maple Grove Parkway Extension and subsequent jurisdictional transfer of Maple Grove Parkway to

Hennepin County. It is also noted that the extension of Maple Grove Parkway is not shown on the future plan.

No action taken. Outside jurisdiction.

Page 8.18 – Figure 4 – Future (2040) Forecast Traffic Volumes

- Forecast 2040 volumes on Fernbrook Lane (CSAH 121) between the Rush Creek Boulevard/Elm Creek Road intersection and the shared Dayton/Maple Grove border is shown as 19,000 vehicles per day (vpd). This is approximately 50 percent higher than Hennepin County and the City of Maple Grove's forecast 2040 volumes on this section of Fernbrook Lane, 10 percent higher than the forecast traffic volumes on Dayton Parkway east of the proposed Dayton Parkway interchange, and even 27 percent higher than the forecast traffic volumes on CSAH 81 just north of the shared Dayton/Maple Grove border. Is this forecast accurate? If so, substantial improvements are need to this segment of Fernbrook Lane (which is currently a 2-lane undivided rural-section roadway).

No action taken. County road jurisdiction. No action taken.

Page 8.41 – Figure 12 – Existing and Future Bicycle and Trail System

- It is unclear if the existing and future bicycle and trail system map includes any sidewalks/trails that run parallel to the existing/future roadway system. The following existing/future roadways within the City of Maple Grove, that continue into the City of Dayton, are planned to have sidewalks/trails that run parallel to them.
 - Holly Lane
 - Fernbrook Lane (CSAH 121)
 - Territorial Road

If the City of Dayton is also planning on having similar pedestrian accommodations along these in the future, it might be good to identify them in Figure 12 to show continuous pedestrian connections between the cities.

No action taken. Parks and Trail Chapter indicates future local roads. Transportation Chapter focuses on regional trails.

Chapter 11 Comments

- A table indicating the existing and future discharge rates and volumes for the 2, 10, and 100 year events for each drainage area from the City of Dayton into Maple Grove should be included with the draft 2040 Comprehensive Plan to assist with infrastructure planning in Maple Grove.

Local Surface Water Management plan in appendix, meets minimum requirements.

Sanitary Sewer Comments

- The City of Maple Grove has concerns about additional sanitary sewer connection permits from the Metropolitan Council without the associated and necessary transportation systems being provided.

No action taken.

From: [Jason D Gottfried](#)
To: [Tina Goodroad](#)
Cc: [Alec Henderson](#); [Chad Ellos](#); [Carla J Stueve](#)
Subject: City of Dayton 2040 Comprehensive Plan - HC Comments
Date: Thursday, March 26, 2020 2:22:41 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Tina,

We appreciate the opportunity to review Dayton's comprehensive plan update. Upon receiving your email I shared your plan with our county transportation staff on March 2nd.

Below are summarized staff comments I received, particularly on the Dayton Transportation Plan (Chapter 8):

- Figure 1 (Pg 9) should be split into separate figures, one for existing and one for future.
 - Zanzibar Lane is a solid line and according to the legend it is a CSAH – that is incorrect.
 - Fernbrook is shown as gray and according to the legend it is a city road – that is incorrect.
 - The dotted orange lines for the new alignments are referencing CSAH as the future jurisdictional class, this is not consistent with our plan.
- Comments below on the Programmed and planned improvements table
 -

Roadway		Extents	Timeframe	Jurisdiction
I-94 Interchange	Interchange Area		2020	Dayton/MnDOT/ Hennepin Co
Dayton Parkway	Brockton Lane (CR101) to CSAH 81	4-Lane Construction	2020	Dayton/MnDOT/ Hennepin Co
Dayton Parkway	CSAH 81 to 117th Avenue	4-Lane Construction	2025	Dayton/ Hennepin Co
113th Avenue	113th Avenue existing to East French Lake Road	3-Lane Construction	2025	Dayton
French Lake Road	Rogers Drive to Dayton Parkway	2-Lane Construction	2025	Dayton
Pioneer Parkway	Lawndale Lane to Dayton River Road (CR12)	2-Lane Construction	2030*	Dayton
Dayton Parkway	117th Avenue to Fernbrook Lane Extension	4-Lane Construction	2035	Dayton/ Hennepin Co
Fernbrook Lane	Fernbrook Lane existing to 125th Avenue	4-Lane Construction	2035	Dayton/ Hennepin Co
Zanzibar Lane	125th Avenue to North Diamond Lake Road	Roadway Extension	2040	Dayton/ Hennepin Co
Dayton Parkway	Fernbrook Lane Extension to 129th Avenue	4-Lane Construction	2040**	Dayton/ Hennepin Co
Dayton Parkway	129th Avenue to East City Limits	4-Lane Construction	2040**	Dayton/Hennepin Co
Zanzibar Lane	North Diamond Lake Road to Vicksburg Lane	Roadway Extension	2040	Dayton/ Hennepin Co
Vicksburg Lane	Zanzibar Lane Extension to Dayton River Road (CR12)	3-Lane Reconstruction	2040	Dayton/ Hennepin Co
Pineview Lane	129th Avenue to Dayton River Road	4-Lane Construction	2040	Dayton

- CR 202 through Elm Creek Park is on our jurisdictional transfer candidate list given its function (county to city).

Figure 13 (Pg 44) – Unclear whether the bicycle and trail system includes any on-road facilities? Perhaps map should add a field for on-road bike facilities to better distinguish.

- Goal 3, Policy 1 (pg 5) – In referring to the future extension of County Road 117, revise the termini from County Road 116 to County Road 101.

Please let me know if I can better clarify any item. Again, thank you for team's consideration of our comments

Jason

Maps, tables, narratives clarified.

Jason Gottfried

Transportation Planner
Transportation Planning

Office: 612-596-0394
jason.gottfried@hennepin.us
Hennepin County Public Works
1600 Prairie Drive
Medina, MN 55340

From: Tina Goodroad <TGoodroad@cityofdaytonmn.com>

Sent: Monday, February 24, 2020 5:23 PM

To: Doug Borglund <DBorglund@ci.anoka.mn.us>; Scott Schulte <schulte@ci.champlin.mn.us>; bmartens@ci.corcoran.mn.us; mpritchard@ci.corcoran.mn.us; Peter Vickerman <pvickerman@maplegrovmn.gov>; Tim Gladhill <tgladhill@ci.ramsey.mn.us>; Jason Ziemer <jziemer@rogersmn.gov>; Jason D Gottfried <Jason.Gottfried@hennepin.us>; Dan Licht <ddl@planningco.com>; lee.kelly@co.wright.mn.us; Nicholas.Herman@anoka.k12.mn.us; MaguireK@District279.org; daniel.bittman@isd728.org; James C Kujawa <James.Kujawa@hennepin.us>; Rexine, Ann <Ann.Rexine@threeriversparks.org>; tod.sherman@state.mn.us; daniel.petrik@state.mn.us; info@dnr.state.mn.us; joe.macpherson@co.anoka.mn.us

Cc: Alec Henderson <ahenderson@cityofdaytonmn.com>

Subject: [External] City of Dayton 2040 Comprehensive Plan

Hello all,

Per Minnesota Statute [473.858 Subd. 2](#) and the Metropolitan Council, we are distributing the proposed City of Dayton 2040 Comprehensive Plan Update for your review and comment. The 2040 Comprehensive Plan Update can be found here: <https://cityofdaytonmn.com/departments/planning-zoning/>

It is respectfully requested that you review the proposed 2040 Comprehensive Plan Update and send any comments **or** indication of **no comment** to the following email address: tgoodroad@cityofdaytonmn.com by **March 31, 2020**.

In the event that there are questions please feel to call me at 763-421-3487.

On behalf of the City of Dayton we would like to thank you in advance for your assistance and prompt response.

Tina



Tina Goodroad, AICP | City Administrator/Development Director
City of Dayton
P: (763) 421-3487 | C: (763) 614-8476
tgoodroad@cityofdaytonmn.com | cityofdaytonmn.com
12260 S. Diamond Lake Road | Dayton, MN 55327

We Play Outside | We've Got Roots | We're Right Here

CAUTION: This email was sent from outside of Hennepin County. Unless you recognize the sender and know the content, do not click links or open attachments.

Disclaimer: If you are not the intended recipient of this message, please immediately notify the sender of the transmission error and then promptly delete this message from your computer system.

Three Rivers
Park District
Board of
Commissioners

March 31, 2020

Tina Goodroad, AICP
City Administrator/Development Director
12260 South Diamond Lake Road, Dayton, MN 55327

Marge Beard
District 1

RE: City of Dayton, 2040 Comprehensive Plan Update

Dear Tina,

Jennifer DeJournett
District 2

Three Rivers Park District (Park District) submits the following comments regarding your 2040 Comprehensive Plan. If you have further questions or comments, please contact Ann Rexine, Principal Planner at ann.rexine@threeriversparks.org or by phone at 763-694-1103.

Daniel Freeman,
Vice Chair
District 3

Abbreviated agency naming nomenclature

When describing Three Rivers Park District, please ensure that if the agency is referred to as Three Rivers, it is noted earlier in the document as: Three Rivers Park District (Three Rivers).

Throughout
document

John Gunyou,
Chair
District 4

Chapter 3: Natural Resources | General Comments

To better understand and visualize where natural resources are being actively protected, it is suggested that Elm Creek Park Reserve property be ghosted behind the predominate map features on the Figures indicated.

Figures
3.2, 3.4,
3.5, 3.6,
3.7

John Gibbs
District 5

Goal 4

To better coordinate between adjacent municipalities and agencies, it is suggested that the city add a policy that includes language regarding partnership development with Maple Grove, Champlin, Rogers, Three Rivers Park District and Hennepin County to coordinate greenway connections.

Page 3.2

Gene Kay
Appointed
At Large

Map Corrections

It is noted that the yellow colors utilized for soil types A, B and B/D are difficult to differentiate.

Page 3.8,
Figure 3.8

Steve Antolak
Appointed
At Large

Surface Water Edits

- French Lake does not meet the criteria of a shallow lake as noted during the development of the Elm Creek Watershed TMDL process. It was not deep enough to be defined as a shallow lake and has been defined as a wetland. Thus, shallow lake water quality standards do not apply to French Lake. Please verify the maximum depth for French in the table, as it appears inaccurate.
- The Elm Creek Watershed TMDL and WRAPs report should be referenced in the text for additional information on the lakes and stream impairments. These documents provide guidance toward the waste load allocations that the city has to meet to improve water quality.

Boe Carlson
Superintendent

Map Corrections It is difficult to differentiate the colors on the map between shallow marsh, deep marsh and shallow open water. Please consider adjusting the blue tones with alternative colors, or hatching.	Page 3.15, Figure 3.6
Ground Water The city's Wellhead Protection Plan should be referenced and included as an appendix item.	Page 3.18
Chapter 7: Parks and Trails General Comments <ul style="list-style-type: none"> As described in Chapter 3, Goal 4 – the notion of connecting green corridors to protect significant natural resources is identified. However, this language is not mentioned in this chapter. It may benefit the Plan to reflect back to Chapter 3 natural resource goals. It is also noted that the Mississippi River Corridor Critical Area Plan has been omitted within this chapter- perhaps intentional/incidental, but worth mention. 	
Terminology and Typo Suggestion <ul style="list-style-type: none"> Construction of Elm Creek Park Reserve access points Construction of West Mississippi Regional Trail in coordination with Three Rivers Park District. Developing foottrail pedestrian/bicycle access to the Elm Creek Park Reserve. 	Page 7.2
Additional Park Acreage Three Rivers Park District recently acquired three properties along West River Road/Mississippi River as part of the West Mississippi River Regional Trail initiative. These 18.6 acres can be added to Table 7.1 to demonstrate open space parkland protection.	Page 7.4
Map Corrections <ul style="list-style-type: none"> Three Rivers Park District does not own PID: 1512022330001, as currently shown. Three Rivers does own PID: 112022110001 and should be added to the map. 	Figure 7.1
Naming Nomenclature <ul style="list-style-type: none"> "The West Mississippi River Regional Trail begins in the Historic Village area of Dayton, and extends southeast following the Mississippi River into Champlin, Brooklyn Park, and Brooklyn Center, before finishing in North Minneapolis connecting to the Minneapolis Grand Rounds. The regional trail is approximately 15 miles long, with multiple connections to notable areas in Dayton like Elm Creek Park Reserve..." "Important connections to other cities' areas include.....Coon Rapids Dam Mississippi Gateway Regional Park in Brooklyn Park...and North Mississippi Regional park in Brooklyn Center and Minneapolis". 	Page 7.13
Additional Text Suggested "Finally, <u>the Medicine Lake Regional Trail extension includes a connection from West Mississippi River Regional Trail to Elm Creek Park Reserve through Dayton.</u> A leg of the Medicine Lake Regional Trail..."	Page 7.15
Please update Figure 7.4 with updated alignment per the approved Crow River Regional Trail Master Plan (attached).	Figure 7.4
Omit redundant text under Figure 7.4, "Finally, a leg of the Medicine Lake Regional trail will be constructed..."	Page 7.16
Proposed r egional trails are identified...Crow Hassen River Regional Trail."	

<p>Naming Nomenclature</p> <p>The City of Dayton has a developing local trail system including connections to City Parks, Elm Creek Regional Park Reserve, regional trails, and regional search corridors that extend through the City.</p>	<p>Page 8.38</p>
<p>Text Edits</p> <p>"Additionally, the planned and existing regional trails within the City of Dayton are is the West Mississippi River, Rush Creek, Crow River and Medicine Lake Regional Trails. Further information regarding this these regional trails is are listed below:"</p> <p>[Please describe all regional trails]</p> <p>In addition, it is noted that the city prioritizes local bicycle/pedestrian connections to/from Elm Creek Park Reserve – however it is not mentioned in this chapter.</p>	<p>Page 8.38 -8.39</p>
<p>Map Corrections</p> <p>This Figure should be consistent with the map (Figure 7.8) located in the Parks and Trails chapter, specifically depicting the correct alignments of all the planned and existing regional trails within the city. In addition, this figure is labeled as both Figure 13 and 12.</p>	<p>Figure 13</p>
<p>Seaplane Usage</p> <p>As indicated above, French Lake has been classified a wetland per the Elm Creek Watershed TMDL. Three Rivers Park District natural resources staff do not believe that due to its shallow water levels (wetland status), it is safe or reasonable to land seaplanes on it.</p>	<p>Page 8.45</p>
<p>Chapter 9: Wastewater General Comments</p> <ul style="list-style-type: none"> Existing Sanitary Sewer Trunk System <ul style="list-style-type: none"> Figure 9.1 – A different color for the Sanitary Sewer is suggested as it is not visible Figure 9.2 – Ultimate Sewer Map – The zoomed-out view of the entire city makes it difficult to see the truck sanitary sewer line. A map for each district (i.e. north, west, etc.) is suggested. The septic plan should include: <ul style="list-style-type: none"> Locations of septic systems Inspection of septic systems Long-term maintenance schedules Anticipated septic number reductions due to sanitary sewer trunk system by 2040 	
<p>Chapter 11: Surface Water General Comments</p> <ul style="list-style-type: none"> Existing and Potential Water Resources – Related Problems <ul style="list-style-type: none"> There is no mention of completed TMDL's. Table 1.1 – List of Impaired Waters Within City of Dayton - French Lake is listed as impaired for nutrients/eutrophication. Elm Creek Watershed TMDL/WRAPS documents indicates that French Lake does not meet the criteria of a lake – but has been designated as a wetland. There is no mention of sub-watershed assessments to identify significant sources of nutrient loading and develop CIP Best Management Projects to reduce nutrient loading. 	
<p>Appendix C: Local Water Management Plan</p> <p>The city completed its LWMP in October of 2018. The following suggestions are included for future consideration:</p> <ul style="list-style-type: none"> Chloride management should be a considered part of the plan. The city should be encouraging chloride management with their review planning process for new commercial/industrial developments. Climate change should be a considered part of the plan. There has been an increase in high intensity short duration rainfall events that has resulted in flooding as well as increases in 	

nutrient loading. Design standards for new developments should start to consider infrastructure changes that take climate change into consideration.

- Sustainable water re-use practices should be considered or encouraged for new developments. An example would be water re-use from stormwater ponds for irrigation purposes.

CC:

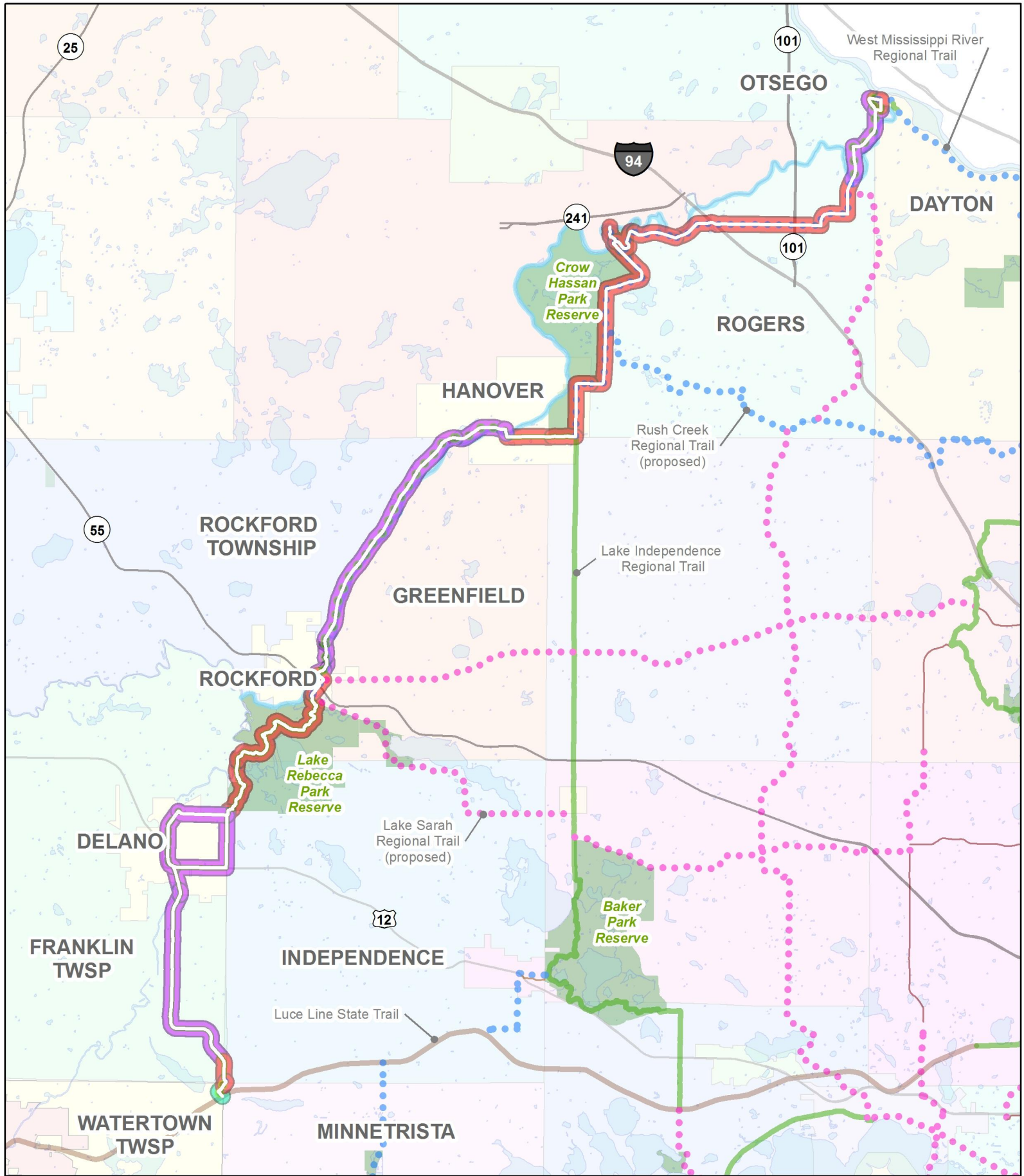
File

Metropolitan Council

Danny McCullough, Three Rivers Park District Regional Trails System Manager

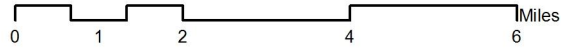
Brian Vlach, Senior Manager of Water Resources, Three Rivers Park District

Maps and language revised where necessary to accurately represent Three Rivers jurisdiction. No action taken where comments are out of the purview of Three Rivers Park District.



Crow River Regional Trail

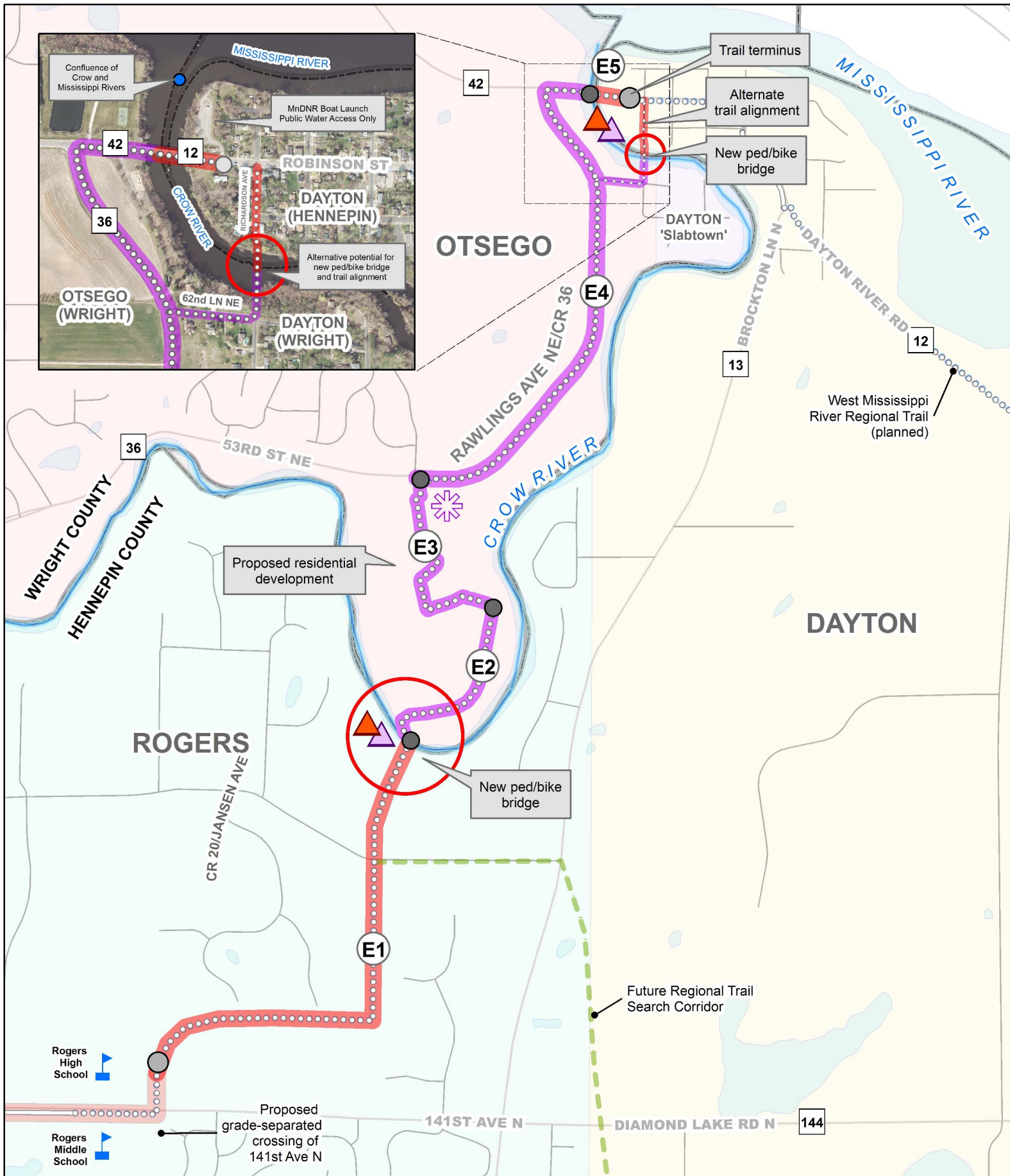
Jurisdiction



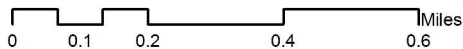
Agency Jurisdiction

- Hennepin - Three Rivers Park District
- Wright County
- Carver County





Crow River Regional Trail Segment E



- Hennepin County
- Wright County

- Existing trail segment
- Proposed trail segment
- River Touchpoint & Trailhead
- Trailhead
- River Touchpoint



Community of Dayton

2040 Comprehensive Plan Update

Adjacent and Affected Jurisdiction Review and Comment Form

Date: 5/29/20

Adjacent or Affected Jurisdiction Name: MN Department of Natural Resources

Please check the appropriate box:

- ☐ We have reviewed the proposed Plan Update, do not have any comments, and are therefore waiving further review.
- ☒ We have reviewed the proposed Plan Update and offer the following comments (attach additional sheets if necessary)

The mission of the Minnesota Department of Natural Resources is to work with citizens to conserve and manage the state's natural resources, to provide outdoor recreation opportunities as well as sustainable commercial uses of natural resources. With these things in mind, we appreciate the opportunity to provide comments on Dayton's draft 2040 comprehensive plan. We applaud the city's recognition that "Dayton's natural resources are among the defining features of the city. Balancing preservation of these resources with future growth is a corner stone of this plan, and was articulated as a priority by residents during the comprehensive planning process."

The following comments outline additional ways to the Comprehensive plan can further these goals:

Rare Species and Plant Communities. The DNR supports including data from the Natural Heritage Information System (NHIS) in the Comprehensive Plan. We recommend that the plan include goals and strategies to address how rare species and plant communities will be protected the beyond preservation of environmentally-sensitive areas. The policy to promote the use of native plant species is an important piece, but for species like Blanding's Turtles that move through the landscape, more policies or actions are needed to achieve a protection goal.

In addition, to preserve the quality of plant communities within Elm Creek Park or French Lake, a [lake of biological significance](#) (worth noting in the Natural Resources description), the contributing catchments need extra hydrologic planning consideration.

Two data layers useful for land use and conservation planning include the *MBS Native Plant Communities* and the *MBS Sites of Biodiversity Significance*. GIS shapefiles of these data layers can be downloaded from [the Minnesota Geospatial Commons](#). The DNR recommends avoidance of these ecologically significant areas, especially MBS Sites of Outstanding or High Biodiversity Significance and DNR Native Plant Communities with a conservation status rank of S1 (critically imperiled), S2 (imperiled), or S3 (vulnerable to extirpation). We

recommend that Comprehensive plans include a map of both of these layers and a list of the types of native plant communities documented within the plan's boundaries.

For further conservation planning and to ensure compliance with the Minnesota endangered species laws, the DNR encourages communities to check the *NHIS Rare Features Data* for known occurrences of state-listed species. The *NHIS Rare Features Data* contains nonpublic data and can only be accessed by submitting a License Agreement Application Form for a GIS shapefile or by submitting a NHIS Data Request Form for a database printout. Both of these forms are available at [the NHIS webpage](#).

Consider adding a discussion of what the city can do to preserve the species and preserve needed habitat into the future (see section below on policies and practices to protect wildlife). For more information on the biology, habitat use, and conservation measures of these rare species, please visit [the DNR Rare Species Guide](#). NHIS training includes rules for using/displaying nonpublic data in public documents.

Links:

MBS Sites of Biodiversity Significance

http://www.dnr.state.mn.us/eco/mcbs/biodiversity_guidelines.html

MBS Native Plant Communities

<http://www.dnr.state.mn.us/npc/index.html>

Hennepin County Resource

[Hennepin County Natural Resource Interactive Map](#)

With specific regard to Blanding's Turtles (*Emys blandingii*), there are numerous sighting reports of this species in Dayton, outside of protected lands. For your information, the DNR's Blanding's Turtle [fact sheet](#) describes the habitat use and life history of this species. The fact sheet also provides two lists of recommendations for avoiding and minimizing impacts to this rare turtle. Consider adding a policy to provide these and other rare species fact sheet to developers planning work in the community.

Development / Transportation Policies to Protect Wildlife. Consider adding policies that take wildlife into consideration as transportation and redevelopment projects occur. These policies are especially important in the catchment areas of high quality lakes like French Lake. In Small Area Plans, such as the Diamond Lake SAP, the city can share information on preserving natural resources not just with residents, but with business and industry owners as well. To enhance the health and diversity of wildlife populations, encourage developers of private and public lands to retain natural areas or restore them with native species after construction. One larger area is better than several small "islands" or patches; and connectivity of habitat is important. Animals such as frogs and turtles need to travel between wetlands and uplands throughout their life cycle.

Consult [DNR's Best Practices for Protection of Species](#) and [Roadways and Turtles Flyer](#) for self-mitigating measures to incorporate into design and construction plans. Examples of more specific measures include:

- Preventing entrapment and death of small animals especially reptiles and amphibians, by specifying biodegradable erosion control netting ('bio-netting' or 'natural netting' types (category 3N or 4N)), and specifically not allow plastic mesh netting. (p. 25)
- Providing wider culverts or other passageways under paths, driveways and roads while still considering impacts to the floodplain.
- Including a passage bench under bridge water crossings. (p. 17) because typical bridge riprap can be a barrier to animal movement along streambanks.
- Curb and stormwater inlet designs that do not inadvertently direct small mammals and reptiles into the storm sewer. (p. 24). Installing "surmountable curbs" (Type D or S curbs) allows animals (e.g., turtles) to climb over and exit roadways. Traditional curbs/gutters tend to trap animals on the roadway. Another option is to install/create curb breaks every, say, 100 feet (especially important near wetlands).
 - Using smart salting practices to reduce impacts to downstream aquatic species.
 - Fencing could be installed near wetlands to help keep turtles off the road (fences that have a j-hook at each end are more effective than those that don't).

Native Species. We appreciate the use of the greenways layer on the future land use plan and the connection made to native plants in landscape plans to help enhance habitat value. Adding more native plants into landscaping enhances the health and diversity of pollinators as well as wildlife populations, and these plants can also help filter and store storm water, a positive effect that also furthers other goals in your city's plan. Consider adding pollinator language into the plan. For more information consult National Wildlife Federation's [Monarch Conservation in America's Cities](#) and DNR's [pollinator page](#). Your city may also wish to consider adopting [pollinator friendly resolutions](#) to support and raise the profile of pollinator-friendly practices in your community.

Community Forestry. The plan references a tree preservation ordinances, which is a good start. The loss of tree canopy due to threats such as emerald ash borer and oak wilt has negative impacts on the health and environment of many Minnesota cities, and a planned community forest can provide numerous community benefits. The first step to achieving a resilient community forest is conducting a tree inventory. The second step is developing a community forestry management plan that includes strategies for managing trees, especially ash, and encouraging a diverse tree canopy on private and public lands. It would be worth mentioning in the narrative of the comprehensive plan if Dayton has developed a plan for the city's forestry needs as part of an overall strategy to meet its environmental goals and policies.

Parks and Recreation. Here are additional recreational resources to mention:

- State Water Trails : [Mississippi River](#) and [Crow River: North Fork](#) State Water Trails
- [Mississippi River Parkway](#) - Dayton River Road is part of 10 state Mississippi River parkway. This route is marketed nationally and could also be mentioned in the Economic Development section.
- [US Bicycle Route 45](#): The Mississippi River Trail is a national route, signed as "MRT" that travels through Dayton.

- Snowmobile Trails: State-supported grant-in-aid trails connect your community to an extensive network of trails throughout the state. Including the trails on inventories would raise awareness of this recreational activity. The snowmobile GIA Program webpage below also has more information on the program and funding.
https://www.dnr.state.mn.us/grants/recreation/gia_snowmobile.html

Additional Natural Resource Information: This review did not represent a detailed review of surface water plans or water supply plans. The thrust of these comments is on providing additional information about these topics that relate to the natural resource goals, policies and implementation narratives in the comprehensive plan main document.

- The Local Surface Water Plan (LSWP) summary or full LSWP plan does not appear to discuss our changing rainfall regimes. The State Climatology office has useful planning tool to analyze past weather trends, including rainfall trends. These tools can help communities plan ahead for conventional and green infrastructure needs.
- The soil section in both the plan and LSWP does not interpret the soils information to support policy development. Consider adding some interpretation, such as the soils analysis of Pollution Sensitivity of Near-Surface materials (see data layer in Geospatial Commons). That map shows the area along the river in northeastern Dayton is highly susceptible and therefore may be a target for safe salting messaging.
- The Natural Resource Implementation section references the need to “continue to communicate and enforce the floodplain ordinance and ensure the City makes available any updates to the FEMA floodplain maps. The DNR has a robust [Floodplain Maps and Technical Resources](#) page where, among other things, you can sign up for the *Water Talk Newsletter*. The newsletter is published quarterly and features updates on program news, funding, projects, events, and learning resources for local governments and others involved in floodplain and shoreland management.

MRCCA: The previous comments do not assess whether the draft comprehensive plan complies with the MRCCA plan minimum requirements. If you are interested in a preliminary review of your MRCCA chapter for consistency with the MRCCA plan minimum requirements, please submit it to the Metropolitan Council. The Metropolitan Council will then forward the plan to the appropriate DNR staff for preliminary review. Any reference in the comp plan to the MRCCA plan or MRCCA regulations will be reviewed separately once the plan is submitted to the Met Council

Reviewer: Martha Vickery, Central Region Coordinator, Lands and Minerals Div., DNR__

Reviewer signature Martha L. Vickery Date: 5/29/20

No action taken.