

**PLEASE PROVIDE THE INFORMATION REQUESTED BELOW
WITHIN THE NEXT TEN DAYS WITH ANY ATTACHMENTS TO:**

Office of Administrative Hearings
Municipal Boundary Adjustments
P.O. Box 649620
St. Paul, Minnesota 55164-0620

RECD BY
MAB

JAN 04 2008

USE ADDITIONAL SHEETS IF NECESSARY.

FACTUAL INFORMATION

This form is being completed by Burns Township who is the Petitioner to the Incorporation Petition filed under Minnesota Statutes § 414.02:

The term "subject area" refers to the area that is proposed for the boundary adjustment.

1. Present population and number of households, past population and projected population growth of the subject area:

| | Township |
|----------------------|--|
| 1980 Population | Will have data at hearing |
| 1990 Population | 2401 |
| Current Population | 4308 |
| Current Households | 1415 |
| Projected in 5 years | Will have projections at hearing |
| Source of Data | Met Council, Census Bureau, Township Records |

2. Geographic Features:

- a. Present Subject Adjacent City Township Area Unit of Gov't

36 Square Miles

- b. Describe any waterways in or adjacent to the subject area: (rivers, streams, shorelands, protected water, protected wetlands, watershed districts):

Ford Brook (Tributary River) - All the lakes in the township are classified as Natural Environment – Twin, Burns, Bass, Pickerel, Goose, Pinnaker, Norris, Mud and Rogers lakes are all DNR protected – Upper Rum River Watershed Management District.

- c. Are the waterways subject to any State or Federal regulation?

Describe if yes: Subject to DNR Rules and Regulations.

d. Generally describe the soils in the subject area:

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Sandy loam, Gravelly loam, rifle mucky peat

e. Describe the terrain in the subject area:

Gently rolling hills, natural wetlands, 11 lakes

3. Contiguity: N/A

4. Present pattern of physical development, planning, and intended land uses in the subject area and adjoining areas:

a. The land uses are: (Fill in approximate acreage or percentages if available instead of yes or no.)

| | Township | (estimates) |
|---|-------------------|-------------|
| Residential | 60% | |
| Institutional (tax exempt) | < 1% | |
| Commercial/Retail and Industrial | 3 ½ % (816 acres) | |
| Agricultural and Vacant Lands (current zoning) | 35% | |

b. What type of development is proposed for the subject area?

Residential/Rural Residential, Commercial/Light Manufacturing

c. What are the current adjacent land uses and/or zoning? N/A

5. The present transportation network:

a. Number of Miles of Highway, Streets, and Roads

Approximately 60 miles of township roads.

b. Are any transportation changes planned in the subject area? Yes. Long range State and County Highway upgrade plans will be presented at the hearing.

c. What are the major roads/highways that serve the subject area and adjoining areas?

CSAH 22 – State Hwy 47 – CSAH 5 – CSAH 24 – CR 66 – CR 163

Attach copies of maps and portions of ordinances that apply to subject area. Maps will be provided at the hearing.

6. Land Use Controls and Planning:

- a. Comprehensive Plan—will be provided at the hearing.

Adoption Date—originally adopted in 1980, most recently updated in 1998 with a current update due later in 2008.

Status of Plan—currently in force.

- b. Have any area planning authorities adopted an official position on the proposed boundary adjustment? (planning commissions, boards, joint boards, Met Council, Regional Development Commissions, county, etc.)

Yes – The Anoka County Board passed a resolution of support for Burns’ incorporation, as have the abutting cities of Elk River, Ramsey, Oak Grove, and St. Francis and Livonia Township.

- c. Please check where the following exists and give any necessary explanations on how it relates to the proposed boundary adjustment. (Since it may be possible that two or more ordinances attempt to regulate the same area, please circle whose ordinance presently applies to the subject area.)

| | | | |
|----------------------------|----------|-------|------|
| Zoning | Township | since | 1957 |
| Subdivision Regulations | Township | since | 1982 |
| Official Map | Township | since | 1978 |
| Capital Improvements | Township | | |
| Budget | | | |
| Fire Code | | | |
| Shoreland Ordinance | County | | |
| Floodplain Ordinance | County | | |
| Wild & Scenic | N/A | | |
| Rivers Ord. | | | |
| Sanitation Ordinance | Township | since | 1982 |
| (on-site sewage treatment) | | | |

Attach copies of maps and portions of ordinances that apply to subject area.

- d. What is the current zoning of the subject area? and how long has it been in effect?

Mostly Rural Residential Agricultural / Commercial Light Manufacturing

- e. What is the anticipated zoning if this boundary adjustment is approved?

No immediate change is anticipated.

- f. Is the subject area, or any portion thereof, eligible for deferred tax treatment “Green Acres” (Mimi. Stat. § 273.111) because of agriculture or other use?

The township currently has a number of parcels with Green Acres Classification.

- g. Has the city established separate Urban and Rural Taxing Districts (Minn. Stat. § 272.67) in the subject or adjoining area? No—townships do not have the statutory authority to establish a rural/urban taxing district.

7. Present governmental services being provided in the subject area (provided by the Township unless otherwise noted):

Storm Sewer—in selected parts of the Township and along town roads.

Recycling—Provided on a regular basis.

Fire Protection—Township wide via Joint Powers agreement with the City of Ramsey.

Law Enforcement—Township wide via Anoka County Sheriff's department.

Street Improvements—Periodic as needed.

Street Maintenance—Provided on a regular basis.

Administrative Services—Provided on a regular basis.

Recreational Services—Provided on a regular basis.

Planning, zoning and subdivision—Provided on a regular basis.

Building Inspection—Provided on a regular basis.

Animal Control—Provided on a regular basis.

Other Services to be detailed at the hearing.

- If city does not provide water to the subject area, who does?
No portion of the Township is served by municipal water.

- ** If city does not provide sewer to the subject area, who does?
No portion of the Township is served by municipal sewer; One subdivision is on a private cluster sewage treatment system.

- ** Would city take over or allow existing use?
N/A

8. Describe any existing or potential environmental problems and whether the proposed action is likely to improve or resolve these problems: (Example: ground or surface water problems, water quality and levels, sewage treatment, air pollutant emissions, noise, odors, affect on fish or wildlife; affect on historical resources, archaeological resources, aesthetic resources; impairment of park lands, prime farmlands, wild and scenic rivers, critical area; abandoned dump or disposal site, etc.)

None

9. Plans and programs by the receiving governmental unit for providing governmental services to the subject area and the impact of the proposed action on those services:

Future service issues will be addressed at the hearing.

10. Describe the fiscal impact on the city, the subject area, and adjacent units of local government:

There are no fiscal impacts on adjacent units of government. Fiscal impacts to Burns will be addressed at the hearing.

| | <u>2008 Tax Year</u> |
|---------------------------|-----------------------------|
| Net Tax Capacity | \$ 5,479,307 |
| Tax Rates: | |
| County | 33.847% |
| Local Unit of Gov't | 17.756% |
| School District | 16.962% - 23.185% - 32.999% |
| Special Tax District | 1.458% |
| Insurance Rating (fire) | 6/10 (Spring of 2008) |
| Levy Limit | None |
| Actual Current Levy | \$ 809,635 |
| Total Bonded Indebtedness | Approximately \$1 million. |

11. Would the proposed action affect any school district boundaries or adjacent communities?

Incorporation would have no impact upon the school districts or adjacent communities.

12. Are new services necessary for the subject area?

No

13. What is the current capacity of the sewer and water systems, how much is being used and by whom?

Not applicable

14. Can necessary governmental services best be provided by the proposed boundary adjustment or would another type of boundary adjustment be more appropriate?

Current and future service needs of Burns Township residents can best be met by incorporation of the Township.

15. If the boundary adjustment were approved:

- a. Would the city/township suffer any undue hardship?

No

- b. Would the symmetry of the city/township be affected?

No

- c. Should the subject area be increased or decreased?

The Township area should remain intact when incorporated.

16. Has the city/township provided any improvements to the subject area?

Improvements will be detailed at the hearing.

17. Has the city/township assessed the subject area for the improvements?

Some properties have been special assessed for road improvements.

18. Will the subject area be assuming any city/township indebtedness?

Incorporation will not affect the level of bonded indebtedness.

19. Has there ever been a previous boundary adjustment filed for this property or substantially the same property before?

No.

20. Why have you filed a petition/objection for boundary adjustment?

Steady increases in the Township's population and housing units have increased the demand for services and have increased the complexity of managing the Township. The Town Board believes that the statutory powers available to a City will allow for more effective and efficient management of the Township in the future.

21. Will the boundary adjustment generate a need for an Environmental Assessment Worksheet (EAW) or an Environmental Impact Statement (EIS)?

No

Attach any, additional information which you believe is important. If you have not supplied some information, please explain why.

The Township will provide additional information at the hearing.

December 31, 2007

Prepared by Corrie LaDoucer, Burns Township Clerk, with assistance from Michael C. Couri, Attorney for Burns Township.

DATE: January 23, 2008

TO: Christine Scotillo, Executive Director
Municipal Boundary Adjustments Unit
Office of Administrative Hearings
State of Minnesota

FROM: James Uttley, AICP, Planning Analyst (651-602-1361)
Lisa Barajas, Planner (651-602-1895)
Planning and Growth Management Department

SUBJECT: Information Submission
MBA Docket No. I-70 - Burns Township Incorporation
Metropolitan Council Review No. 20172-1
Metropolitan Council District 9 (Natalie Steffen; 763-757-4298)

BACKGROUND

In accordance with the Memorandum of Understanding between the Metropolitan Council (Council) and the Municipal Boundary Adjustments, Office of Administrative Hearing, State of Minnesota (MBA), Council staff prepares an Information Submission for any contested case hearing within the Metropolitan Area.

The Information Submission presents demographic, land use, environmental, and regional utility information for the jurisdiction(s) involved in the hearing. Most of the information comes from local comprehensive plans and the Council's Metropolitan Development Guide, which includes the *2030 Regional Development Framework* (hereafter *Framework*) and the Council's metropolitan system plans for Parks, Transportation (including Aviation and Transit), and Wastewater. Municipal incorporation petitions are handled as if they are contested cases and an Information Submission is prepared for use of the MBA, the Administrative Law Judge and parties in the hearing.

Burns Township is a community of approximately 36 square miles or 23,040 acres in size located in the northwest corner of Anoka County. The Township is bordered by the City of St. Francis to the north, the City of Oak Grove to the east, the City of Andover to the southeast, and the City of Ramsey to the south. All of these communities are located in Anoka County, one of the seven counties that make up the Twin Cities Metropolitan Area (See Figure 1). Burns Township is also bordered by the City of Elk River in Sherburne County located to the west.

The Township is composed of a limited mix of land uses, with the dominant land use being agriculture and rural residential. In 2001, at the time of the last Council review, more than 29,000 acres of the Township were classified as agricultural/rural residential, 166 acres were identified as commercial/industrial lands, and 141 acres were classified as public/semi-public. Water bodies comprise 1,120 acres of the Township, with the remaining acreage classified as rights-of-way. The Township lacks a centralized business district, but does contain the historic hamlet of Nowthen located at the intersection of County State Aid Highways (CSAH) 22 and 5, and a

small commercial area at the intersection of CSAH 22 and State Trunk Highway (STH) 47. Most businesses within the Township are home occupations outside of the historic hamlet.

DEMOGRAPHIC CHARACTERISTICS

The Council adopted new forecasts for cities, townships and counties in the metropolitan area in January 2004 as part of its new *Framework*. The new forecasts extend to 2030 and anticipate the addition of nearly one million people to the region between 2000 and 2030. In the fall of 2005, the Council modified its adopted 2004 forecasts for Burns Township. The modified forecasts are shown in Table 1.

In 2000, there were an estimated 3,557 people living in 1,123 households and 294 people employed in jobs in the Township. By 2030, the Township is forecasted to add approximately 2,200 people, 1000 households, and 150 jobs.

The Council’s forecasts are based on the Township's intention to remain substantially rural and without any urban services through 2030. If the Township’s proposed incorporation is based on its intention to become substantially more urban by 2030 than the Council’s *Framework* proposes, the Council’s forecasts and its related metropolitan system plans, which are based on the *Framework*, will need to be re-examined.

Table 1. Metropolitan Council Forecasts for Burns Township

| | 1990* | 2000* | 2010 | 2020 | 2030 |
|------------|-------|-------|-------|-------|-------|
| Population | 1,940 | 3,557 | 4,480 | 4,990 | 5,800 |
| Households | 754 | 1,123 | 1,530 | 1,820 | 2,120 |
| Employment | 259 | 294 | 350 | 400 | 450 |

*Actual U.S. Census counts

REGIONAL POLICY

The *Framework*, which was adopted by the Council in January 2004, presents the Council’s most recent “vision” for the region. Figure 1, which is based on a map contained in the *Framework* entitled “2030 Framework Planning Areas”, shows the Township as primarily *diversified rural* with scattered areas of *regional natural resources* (See Figure 2).

The term *diversified rural* as used in the *Framework* implies that a community is rural. Diversified rural areas include a mix of a limited amount of large-lot residential and clustered housing with agricultural and other rural uses. Growth in the diversified rural areas should be consistent with regional forecasts, at densities of no more than 1 housing unit per 10 acres. Regional infrastructure investments in the *diversified rural area* will consist of expenditures for parks, open spaces, and green corridor connections, including acquisition and development of regional parkland to serve the residents of the region. Burns Township is not proposed to be provided with any urban services through the 2030 planning period.

Framework policies related to *regional natural resource areas* say that the Council will “work with local and regional partners to reclaim, conserve, protect and enhance the region’s vital natural resources.”

REGIONAL SYSTEMS

Figure 3 shows existing and planned regional systems in the Burns Township and portions of surrounding communities in the Metropolitan Area (excluding adjacent portions of communities located in Sherburne County). Regional systems include aviation, parks, transportation and wastewater services (see Figure 3).

Aviation

There are not any existing or planned airports or aviation facilities located in Burns Township. The proposed incorporation is not expected to impact the regional aviation system.

Parks

There are not any regional parks within the Township; however, there are two parks that are considered part of the regional recreation open space system that are within proximity to the Township. Rum River Central (owned by Anoka County) is closely located near the southeast corner of the Township and provides outdoor recreation opportunities and natural resource conservation for the public. Lake George Regional Park is located entirely within the City of Oak Grove to the east and provides an array of outdoor recreation opportunities.

The Council's *2030 Regional Park Policy Plan* identifies a "proposed" regional trail with an east/west axis generally along the alignment of Viking Blvd (CSAH 22). The term "proposed" in this case means that it is not anticipated to be constructed before 2010. In addition, the *2030 Regional Park Policy Plan* identified the "need" for another east/west trail in the same general area (see Figure 4).

North Anoka County Regional Trail – This is a proposed east-west regional trail in the northern part of Anoka County. A general alignment of the trail as shown in Figure 4 should be acknowledged in the township's comprehensive plan. John Von De Linde, Anoka County Parks Director, can be contacted for further information at 763-767-2860.

Northwest Anoka County regional trail corridor search area – The *2030 Regional Parks Policy Plan* includes a number of proposed park system units that are described as "The Last Best Places- Completing Acquisition of the System". In Burns Township this includes a northwest Anoka County trail corridor search area. On the east end, this proposed trail corridor would connect the Rum River Regional Trail, north of Lake George Regional Park, to the newly proposed Northwest Anoka County Regional Park unit in St. Francis and continue west to connect to proposed trails in Sherburne County. The trail corridor search area is primarily in the city of St. Francis but also includes the northwest most corner of Burns Township. A general alignment of the trail as shown in Figure 4 should be acknowledged in the city's comprehensive plan. John Von De Linde, Anoka County Parks Director, can be contacted for further information at 763-767-2860. Figure 4 shows the location of all parks and trails listed above in Burns Township plus any parks and trails adjacent to the township's border.

The proposed incorporation is not expected to impact the regional recreation open space system.

Transportation

The Council's Transportation Policy Plan (TPP) identifies no principal arterials in Burns Township. STH 47, CSAH 22, and County Road 64, are designated as "A-minor" arterials. Other CSAH and County Roads in Burns Township are classified as "B-minor" arterials or connector roads.

Burns Township is presently outside the regional transit taxing district and has no regular transit

service at this time nor planned for the future. Burns residents are served by a variety of other transit programs including the Anoka County Traveler (dial-a-ride) primarily for movement inside Anoka County; Northstar Commuter Coach (service to downtown Minneapolis from park and ride lots in Elk River and Coon Rapids) and Ramsey Star Express (service to downtown Minneapolis from a park and ride lot in the city of Ramsey).

Wastewater Services

None of Burns Township is within the Metropolitan Urban Service Area (MUSA), where municipal wastewater is collected and treated by the Council. The Council has no plans to provide wastewater services to the community within the 2030 planning period. Burns Township is defined as a diversified rural community and is expected to plan to accommodate growth not exceed the Council’s forecasts with both large lot and cluster residential development not to exceed an average of one unit per ten acres.

LAND USE PLAN

Burns Township’s 2020 Comprehensive Plan was reviewed by the Council on April 4, 2001. At that time, the Council’s plan review noted that

The existing land uses within the Township are approximately one third agricultural and undeveloped land, one third wetlands and pasture, and the remaining one third is rural residential development. Numerous home occupations and home-extended businesses currently exist, although the Township is proposing to discourage these businesses and create a central business district. Therefore, the most significant land use change in the proposed update is to increase the amount of commercial land within the Township by 124 acres. Although the Township’s current population does not support developing all of these additional commercial acres by 2020, it wanted to reserve these areas for future commercial development. The commercial node at the intersection of Highway 22 and Highway 5 is within the historic hamlet of Nowthen that currently contains the Township Hall, existing commercial services, parklands, and residential development.

A copy of the Burns Township 2020 land use plan as reviewed by the Council in 2001 is attached (see Figure 5). The 2020 Comprehensive Plan showed the following existing and proposed future land uses.

| EXISTING LAND USE | Acres | % | FUTURE LAND USE | Acres | % |
|--------------------------------|---------------|------------|--------------------------------|---------------|------------|
| Agricultural/Rural Residential | 20,963 | 91.0 | Agricultural/Rural Residential | 20,830 | 90.4 |
| Commercial/Industrial | 166 | 0.7 | Commercial/Industrial | 290 | 1.4 |
| Public/Semi-Public | 141 | 0.6 | Public/Semi-Public | 150 | 0.6 |
| Right-of-Way | 650 | 2.8 | Right-of-Way | 650 | 2.8 |
| Open Water Bodies | 1,120 | 4.9 | Open Water Bodies | 1,120 | 4.9 |
| Total Acres | 23,040 | 100 | | 23,040 | 100 |
| | | | | | |

While the Township's current comprehensive plan proposes the creation of a small rural center within the Township, Burns Township is not now, nor is about to become, urban or suburban in character. If the community were to do so, it would be inconsistent with the Council's existing land use policy. A recent aerial photo showing Burns Township and portions of surrounding communities is attached (see Figure 6).

Communities in the Twin Cities Metropolitan Area are required by statute (MS §476.864, Subd. 2) to review and, if necessary, amend their comprehensive plans every ten years. On September 12, 2005, the Council distributed System Statements to local communities to begin the next round of comprehensive plan updates. Updated comprehensive plans are required to be completed and submitted to the Council by the end of 2008.

Communities had 60 days thereafter to request changes to the contents of the system statements and attempt to negotiate mutually agreeable changes. Burns Township did not request any changes. The system statement for Burns Township is attached. It presents the most current regional system plan data for the City's use in updating its current comprehensive plan. The Township is anticipated to submit its updated comprehensive plan by the end of 2008.

LIST OF FIGURES

- Figure 1 -- Location map showing Burns Township and surrounding communities
- Figure 2 -- Map of the Council's 2030 Framework Planning Area designations showing Burns Township and surrounding communities
- Figure 3 -- Regional Systems map showing regional systems serving Burns Township and nearby communities
- Figure 4 -- Map of Burns Township with adjacent regional parks and trails
- Figure 5 -- Burns Township 2020 Land Use Plan map from 2001 comprehensive plan submittal.
- Figure 6 -- 2005 Aerial Photo showing Burns Township and surrounding communities

LIST OF ATTACHMENTS

- Attachment 1 – System Statement for Burns Township issued by the Metropolitan Council on September 12, 2005.

Figure 1. Location Map, Burns Township and Surrounding Communities

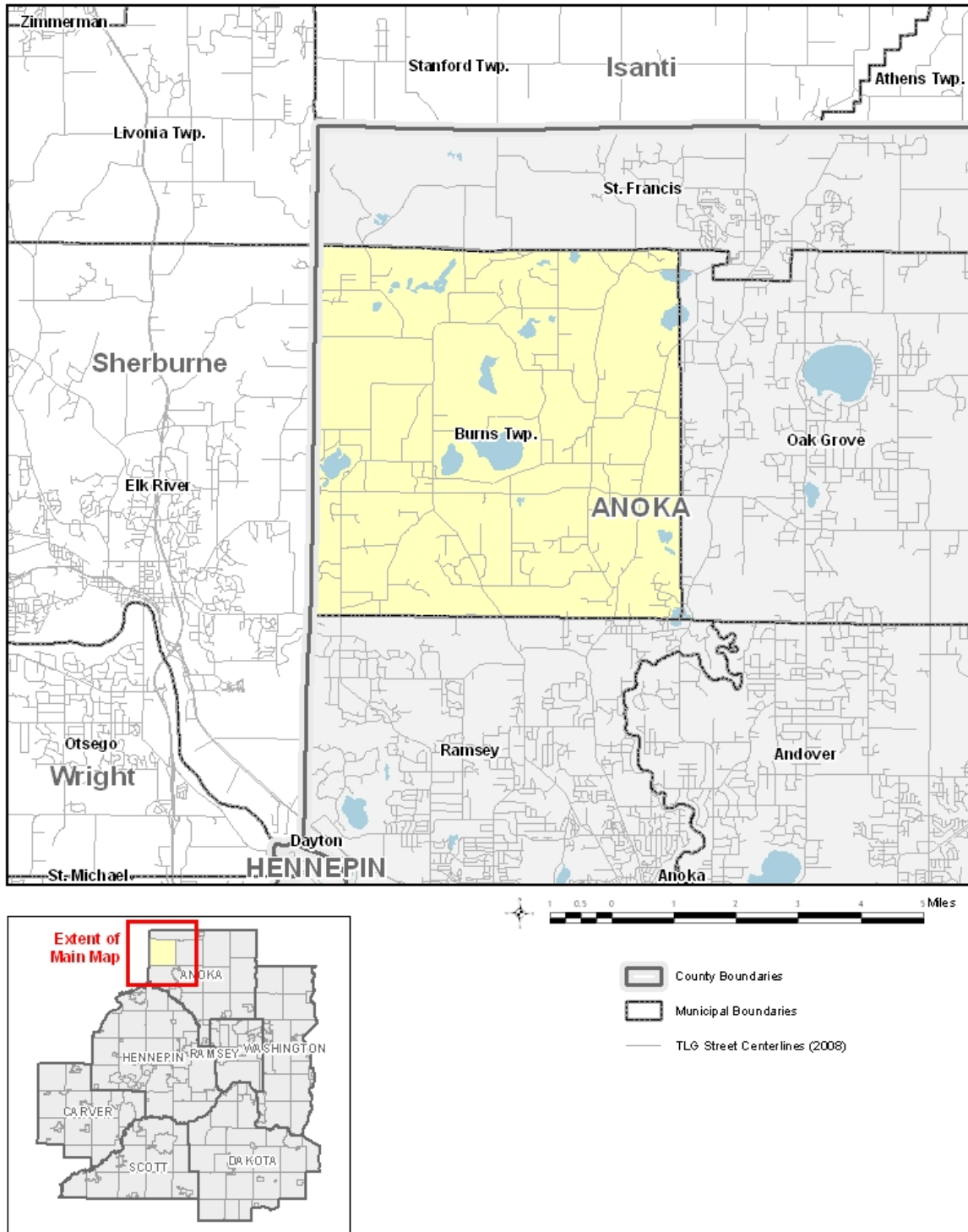
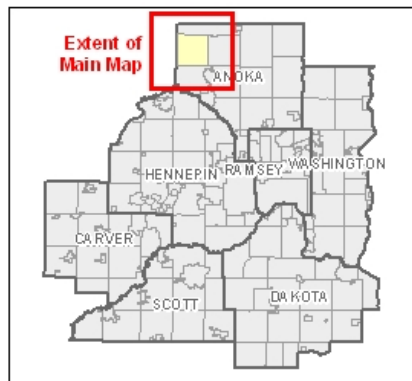
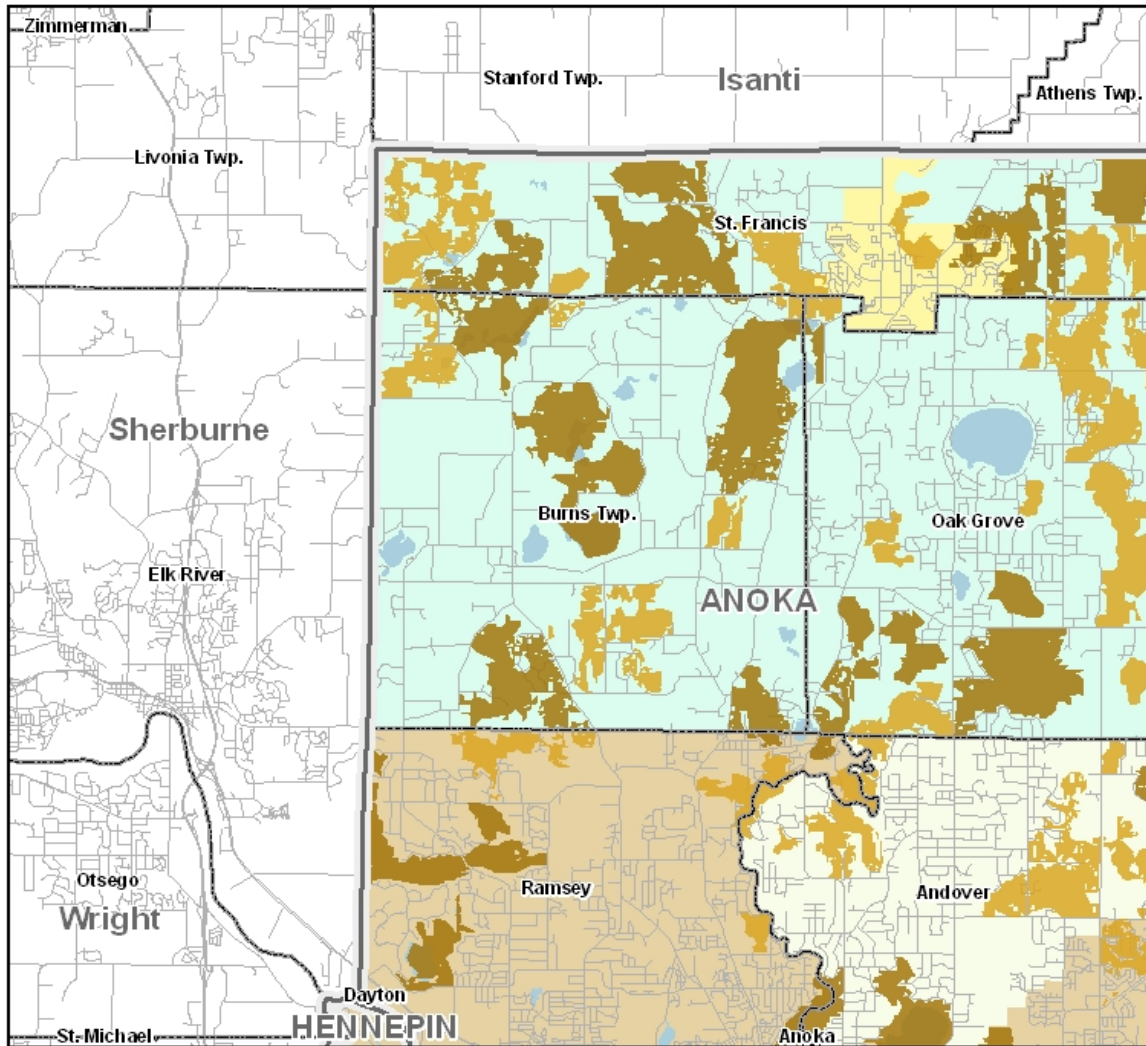


Figure 2. The Metropolitan Council's 2030 Framework Planning Areas and Regionally Significant Natural Resource Areas, Burns Township and Surrounding Metro Area Communities



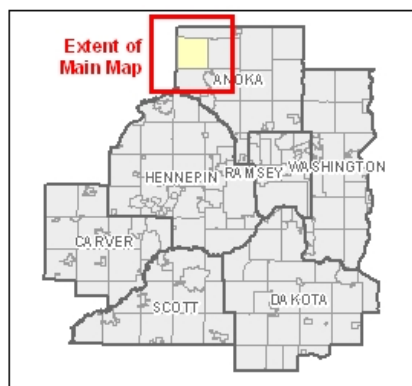
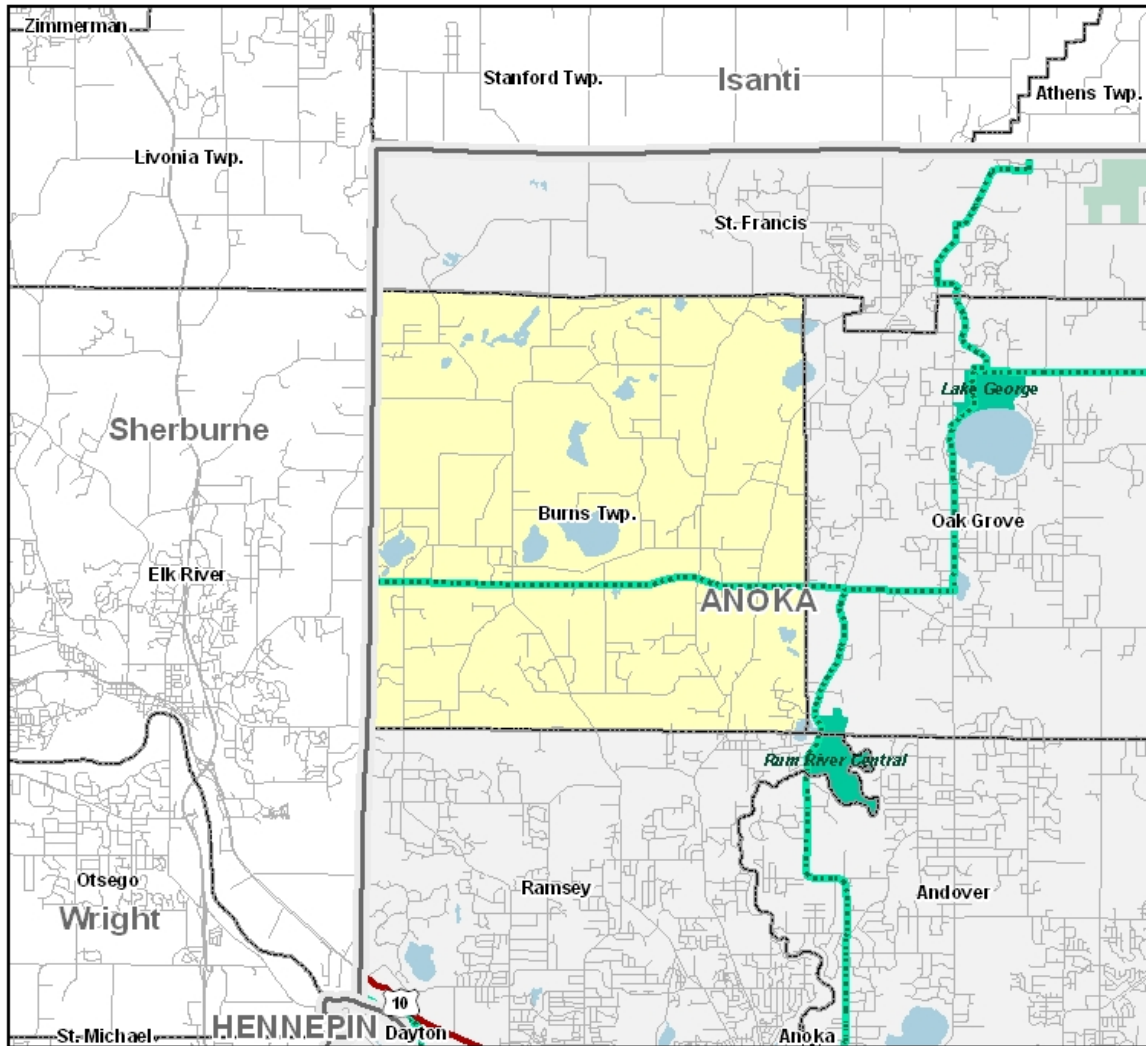
2030 Framework Planning Areas

- Agricultural Area
- Developed Area
- Developing Area
- Diversified Rural
- Non-Council Area
- Rural Center
- Rural Residential

DNR Regionally Significant Natural Resource Areas

- Moderate Quality
- High Quality
- Outstanding Quality

Figure 3. Regional Systems, Burns Township and Surrounding Metro Area Communities



Regional Systems

Wastewater Services

- Interceptors
- Treatment Plants

Transportation

- Interstates
- US Highways
- State Highways
- County Roads

Regional and State Trails

- Regional Acquisition
- Regional Existing
- Regional Planned
- Regional Proposed
- State Existing

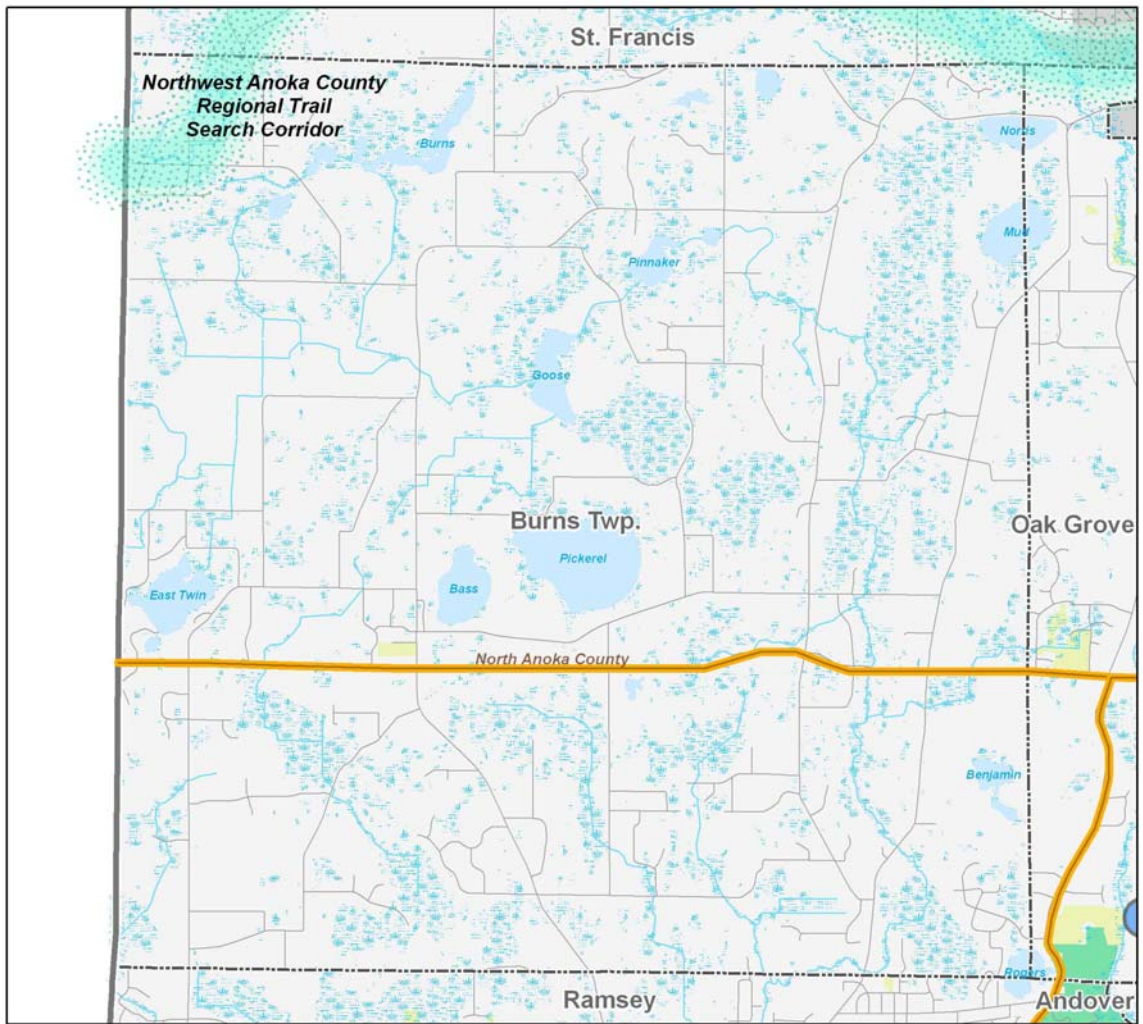
Recreation Open Space

- Park Reserve
- Regional Park
- Special Recreation Feature
- State and Federal Land

Figure 4: Map of Burns Township with adjacent regional parks and trails

Figure 2. Regional Parks System Statement Map July 2005

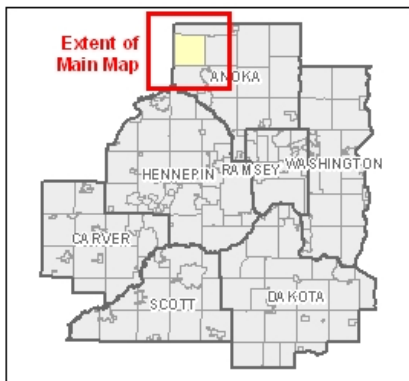
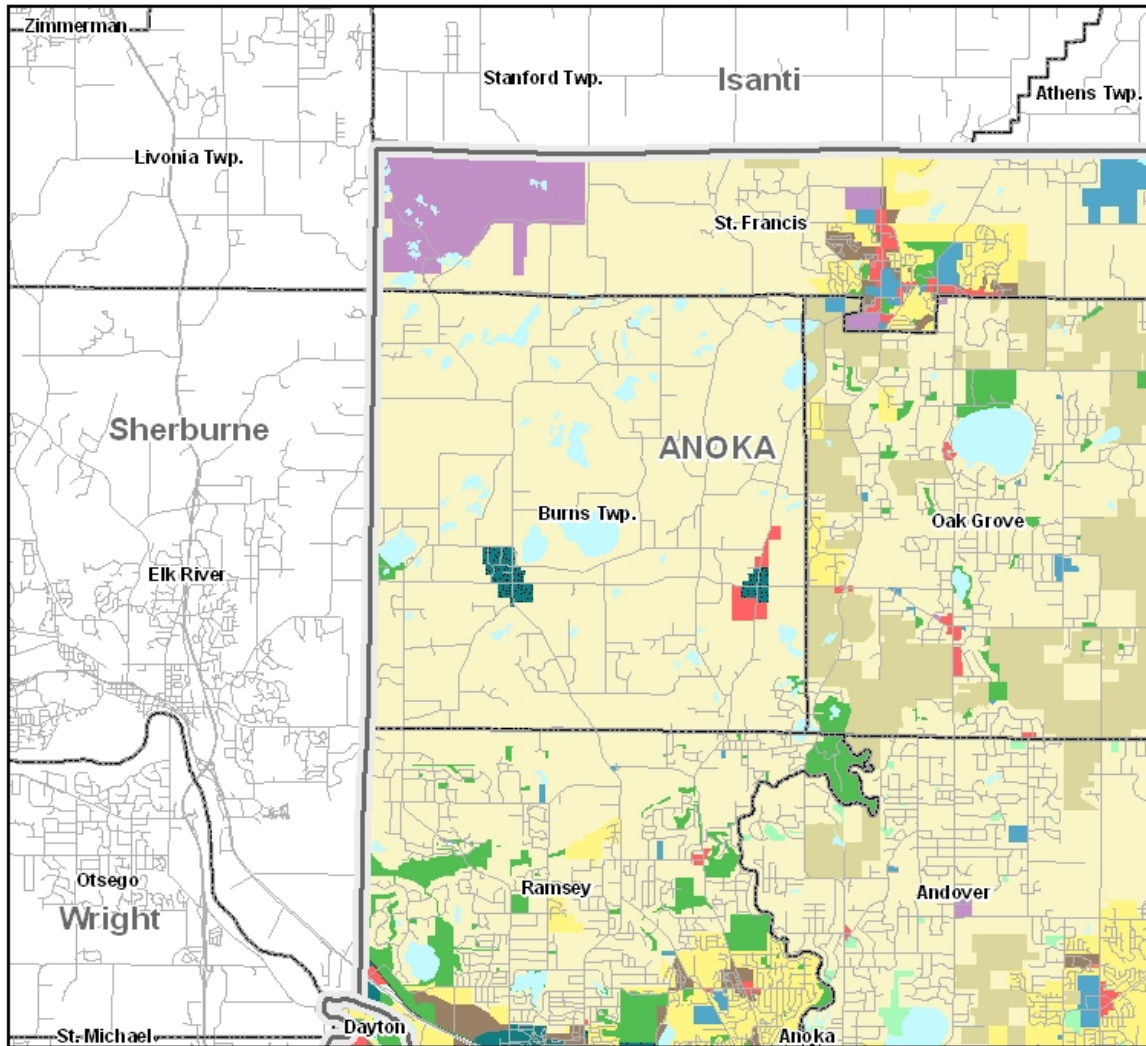
Burns Twp.



- | | | | |
|---|--|--|--|
| <p>Regional Park Search Areas *</p> <ul style="list-style-type: none"> Boundary Adjustment Recognition of Regional Status New Unit Completing the System | <p>Regional Trail Search Corridors *</p> <ul style="list-style-type: none"> Boundary Adjustment Recognition of Regional Status New Unit Completing the System <p><small>* Search areas (parks) and corridors (trails) as shown are for planning purposes only and are not indicative of specific proposed park boundaries or trail alignments.</small></p> <p><small>Proposed boundaries within park search areas pending master plan approval are highlighted in yellow</small></p> | <p>Parks and Preserves</p> <ul style="list-style-type: none"> Federal Land Private Non-Profit Regional State Land Local and County Land <p>Regional Trails</p> <ul style="list-style-type: none"> Existing Planned Proposed State Existing | <ul style="list-style-type: none"> Wetlands (NW) Lakes and Major Rivers Minor Rivers and Streams Trout Streams 2020 MUSA TLG Street Centerlines (2005) |
|---|--|--|--|



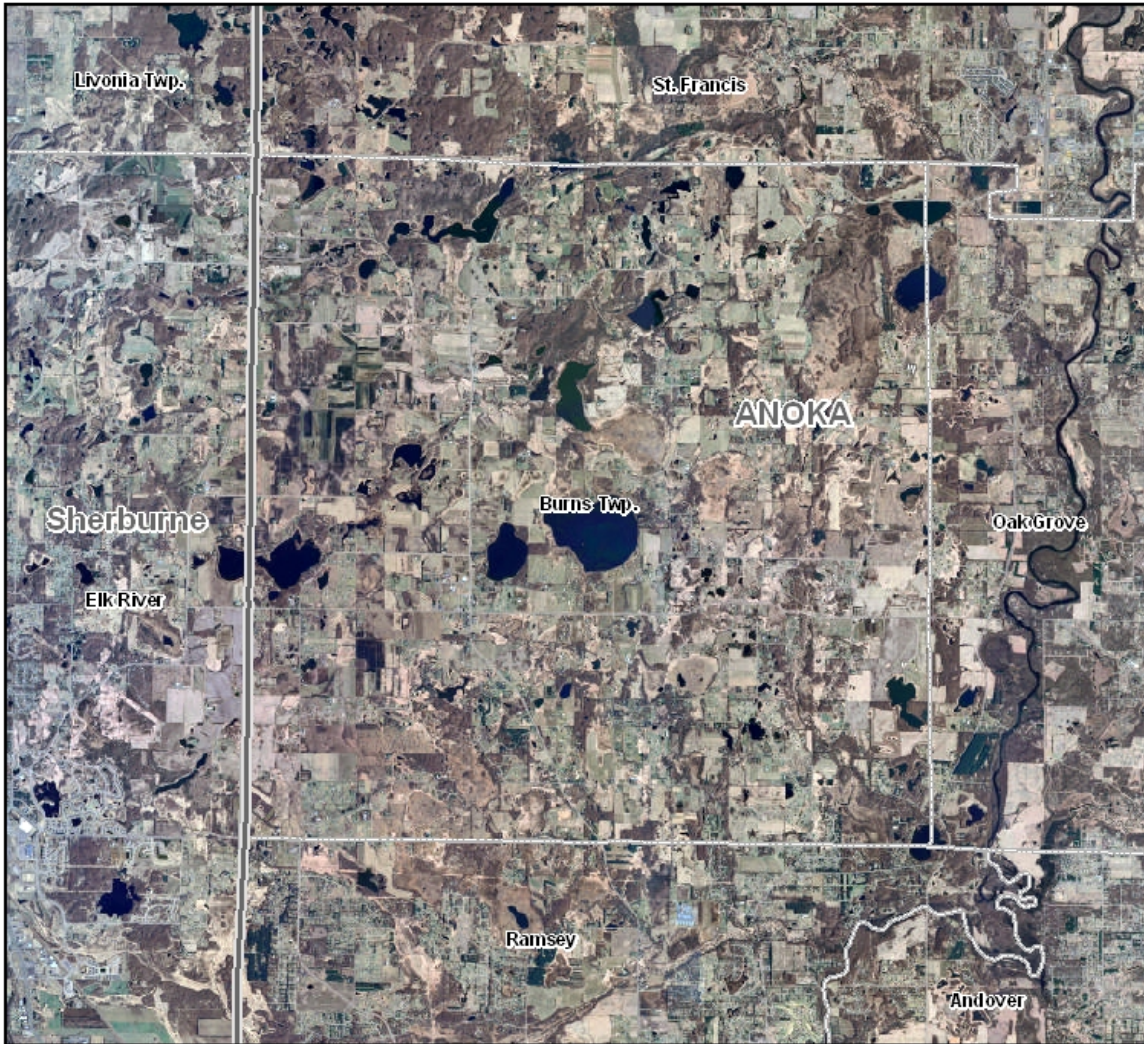
Figure 5. 2020 Generalized Planned Land Use, Burns Township and Surrounding Metro Area Communities



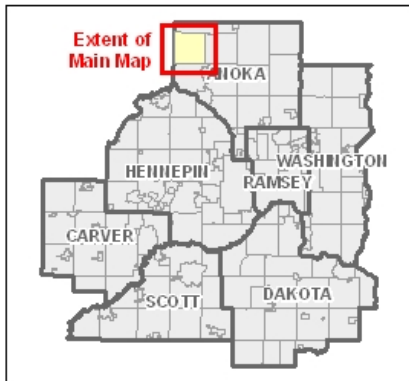
2020 Generalized Planned Land Use

- | | |
|---|---|
|  Agricultural |  Multiple Use - Multiple Units |
|  Rural and Large-Lot Residential and Other |  Park and Recreation |
|  Single Family Residential |  Open Space or Restrictive Use |
|  Multifamily Residential |  Rights-of-Way (i.e., Roads) |
|  Commercial |  Railway (inc. LRT) |
|  Industrial |  Airport |
|  Institutional |  Vacant or Unknown |
|  Mixed Use - Single Unit |  Open Water |

Figure 6. 2005 Color Aerial Photography, Burns Township and Surrounding Area



Photography Source: MARKHURD, 2005



**MINNESOTA STATE DEMOGRAPHER
2006 POPULATION AND HOUSEHOLD ESTIMATES**

| ANOKA COUNTY | 2006 POPULATION | 2006 HOUSEHOLDS |
|------------------------|------------------------|------------------------|
| Burns, Township | 4,308 | 1,386 |