

Community Development Committee

Meeting date: August 19, 2019

Environment Committee

Meeting date: August 27, 2019

For the Metropolitan Council meeting of September 25, 2019

Subject: City of Minnetonka Beach 2040 Comprehensive Plan and Comprehensive Sewer Plan, Review File 21938-1

District(s), Member(s): District 3, Christopher Ferguson

Policy/Legal Reference: Metropolitan Land Planning Act (Minn. Stat. § 473.175), Minn. Stat. § 473.513

Staff Prepared/Presented: Jake Reilly, Senior Planner, Local Planning Assistance (651-602-1822)
Angela R. Torres, Local Planning Assistance Manager (651-602-1566)
Kyle Colvin, Engineering Programs, Manager (651-602-1151)

Division/Department: Community Development / Regional Planning
Environmental Services / Technical Services

Proposed Action

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

Recommendations of the Community Development Committee

1. Authorize the City of Minnetonka Beach to place its 2040 Comprehensive Plan into effect.
2. Strongly encourage the City to link housing needs with housing tools and to address all widely known housing tools, as detailed in the housing advisory comments in the Review Record, in order to be fully consistent with Council housing policy.
3. Advise the City to implement the advisory comments in the Review Record for Surface Water Management and Land Use.

Recommendation of the Environment Committee

1. Approve the Comprehensive Sewer Plan component of the City of Minnetonka Beach's Comprehensive Plan.

Advisory Comments

The following Advisory Comments are part of the Council action authorizing the City of Minnetonka Beach to implement its 2040 Comprehensive Plan (Plan).

Community Development Committee

1. As stated in the *Local Planning Handbook*, the City must take the following steps:
 - a. Adopt the Plan in final form after considering the Council's review recommendations as contained in the body of this report.
 - b. Submit one hard copy and one electronic copy of the Plan to the Council. The electronic copy must be submitted as one unified file.
 - c. Submit to the Council a copy of the City Council resolution evidencing final adoption of the Plan.
2. The *Local Planning Handbook* also states that local governments must formally adopt their comprehensive plans within nine months after the Council's final action. If the Council has recommended changes to the Plan, local governments should incorporate those recommended changes into the Plan or respond to the Council before "final adoption" of the comprehensive plan by the governing body of the local governmental unit. (Minn. Stat. § 473.858, subd. 3)
3. Local governments must adopt official controls as identified in their 2040 comprehensive plans and must submit copies of the official controls to the Council within 30 days after the official controls are adopted. (Minn. Stat. § 473.865, subd. 1)
4. Local governmental units cannot adopt any official controls or fiscal devices that conflict with their comprehensive plans or which permit activities in conflict with the Council's metropolitan system plans (Minn. Stats. §§ 473.864, subd. 2; 473.865, subd. 2). If official controls conflict with comprehensive plans, the official controls must be amended within 9 months following amendments to comprehensive plans (Minn. Stat. § 473.865, subd. 3).

Environment Committee

1. The Council-approved Comprehensive Sewer Plan becomes effective only after the Plan receives final approval from the local governmental unit's governing body. After the Plan receives final approval from the City and the Comprehensive Sewer Plan becomes effective, the City may implement its Plan to alter, expand, or improve its sewage disposal system consistent with the Council-approved Comprehensive Sewer Plan.
2. A copy of the City Council resolution adopting its 2040 comprehensive plan, including its Comprehensive Sewer Plan, must be submitted to the Council.
3. When available, we request that the City provide to the Council the date they adopted the final Local Water Management Plan.

Background

The City of Minnetonka Beach is located on the largest island in Lake Minnetonka in central Hennepin County. It is surrounded by the communities of Orono, Tonka Bay, Shorewood, Mound, and Spring Park (Figure 1).

The City submitted its 2040 Comprehensive Plan (Plan) to the Council for review to meet the Metropolitan Land Planning Act requirements (Minn. Stat. §§ 473.851 to 473.871) and the Council's 2015 System Statement requirements.

Review Authority & Rationale

Minn. Stat. § 473.175 directs the Metropolitan Council to review a local government's comprehensive plan and provide a written statement to the local government regarding the Plan's:

- **Conformance** with metropolitan system plans
- **Consistency** with the adopted plans and policies of the Council
- **Compatibility** with the plans of adjacent governmental units and plans of affected special districts and school districts

By resolution, the Council may require a local government to modify its comprehensive plan if the Council determines that "the plan is more likely than not to have a substantial impact on or contain a substantial departure from metropolitan system plans" (Minn. Stat. § 473.175, subd. 1).

Each local government unit shall adopt a policy plan for the collection, treatment, and disposal of sewage for which the local government unit is responsible, coordinated with the Metropolitan Council's plan, and may revise the same as often as it deems necessary (Minn. Stat. § 473.513).

The attached Review Record details the Council's assessment of the Plan's conformance, consistency, and compatibility, and is summarized below.

Review Standard	Review Area	Plan Status
Conformance	Regional system plan for Parks	Conforms
Conformance	Regional system plan for Transportation, including Aviation	Conforms
Conformance	Water Resources (Wastewater Services and Surface Water Management)	Inconsistent
Consistency with Council Policy	<i>Thrive MSP 2040</i> and Land Use	Inconsistent
Consistency with Council Policy	Forecasts	Consistent
Consistency with Council Policy	<i>2040 Housing Policy Plan</i>	Inconsistent
Consistency with Council Policy	Water Supply	Consistent
Consistency with Council Policy	Community and Subsurface Sewage Treatment Systems (SSTS)	Consistent
Compatibility	Compatible with the plans of adjacent and affected governmental districts	Compatible

Thrive Lens Analysis

The proposed 2040 comprehensive plan is reviewed against the land use policies in *Thrive MSP 2040*. To achieve the outcomes identified in Thrive, the metropolitan development guide defines the Land Use Policy for the region and includes strategies for local governments and the Council to implement. These policies and strategies are interrelated and, taken together, serve to achieve the outcomes identified in Thrive.

Funding

None.

Known Support / Opposition

There is no known local opposition to the 2040 comprehensive plan.

REVIEW RECORD

City of Minnetonka Beach 2040 Comprehensive Plan

Review File No. 21938-1, Business Item No. 2019-234-JT

The following Review Record documents how the proposed Plan meets the requirements of the Metropolitan Land Planning Act and conforms to regional system plans, is consistent with regional policies, and is compatible with the plans of adjacent and affected jurisdictions.

Conformance with Regional Systems

The Council reviews plans to determine conformance with metropolitan system plans. The Council has reviewed the City's Plan and finds that it conforms to the Council's regional system plans for Regional Parks, Transportation (including Aviation), and Water Resources.

Regional Parks and Trails

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

The Plan conforms to the 2040 Regional Parks Policy Plan (RPPP) for the Regional Parks System element. Three Rivers Park District is the park implementing agency for Regional Parks System components in Minnetonka Beach, for which the Plan accurately describes the Regional Parks System components. Regional Trails located within the City include the Dakota Rail Regional Trail (Figure 1). There are no state or federal lands within the City.

Regional Transportation, Transit, and Aviation

Reviewer: Russ Owen, Metropolitan Transportation Services (MTS) (651-602-1724)

The Plan conforms to the 2040 Transportation Policy Plan (TPP) adopted in 2015. It accurately reflects transportation system components of the TPP as well as applicable land use policies for regional transitways. The Plan is also consistent with Council policies regarding community roles, the needs of non-automobile transportation, access to job concentrations, and the needs of freight. The Plan is compatible with the plans of adjacent and affected governmental units.

Roadways

The Plan conforms to the Highways system element of the TPP. There are no principal arterials in the City. The Plan accurately reflects the regional functional classification map of A-minor arterials, and has delineated major and minor collectors.

The Plan identifies all the required characteristics of the City's roadways, including existing and future functional class, right-of-way preservation needs, and existing and forecasted traffic volumes for principal and A-minor arterials. Forecasting was done consistent with regional methodology. The Plan also includes guidelines on how access will be managed for principal and A-minor arterials.

Transit

The Plan conforms to the Transit system element of the TPP. It shows the location of existing transit routes and facilities and acknowledges the City is within Transit Market Area IV.

The Plan is consistent with the policies of the Transit system element of the TPP. The Plan addresses community roles related to its Community Designation of Suburban, as well as the opportunities and challenges related to its Transit Market Area.

Aviation

The Plan conforms to the Aviation system element of the TPP. The Plan includes policies that protect regional airspace from obstructions, and addresses seaplane use on Lake Minnetonka.

Bicycling and Walking

The Plan is consistent with the Bicycling and Pedestrian chapter of the TPP. The Plan identifies existing and future segments of, and connections to, the Regional Bicycle Transportation Network (RBTN) and regional trails. The Plan proposes a preferred alignment for an RBTN corridor.

The Plan is also consistent with Bicycle and Pedestrian policies of the TPP by planning for local pedestrian and bicycle connections to transit, regional trails, regional job concentrations, and other regional destinations as identified on the RBTN map.

Freight

The Plan is consistent with Freight policies of the TPP. The Plan identifies the needs of freight movement in and through the City, including accessibility to freight terminals and facilities.

Transportation Analysis Zones (TAZs)

The Plan conforms to the TPP regarding TAZ allocations. The City's TAZ allocations for employment, households, and population appropriately sum to the Council's citywide forecast totals for all forecast years.

The City's planned land uses and areas identified for development and redevelopment can accommodate the TAZ forecasted allocations in the Plan, and at densities consistent with the City's Thrive designation of Suburban.

Water Resources

Wastewater Service

Reviewer: Kyle Colvin, Environmental Services (ES) – Engineering Programs (651-602-1151)

The Plan conforms to the 2040 Water Resources Policy Plan (WRPP). It represents the City's guide for future growth and development through the year 2040. It includes growth forecasts that are consistent with the Council's forecasts for population, households, and employment.

Current wastewater treatment services are provided to the City by Metropolitan Council Environmental Services. All wastewater generated within the City is conveyed through Council Interceptor 6-OR-641. All flow is treated at the Council's Blue Lake Wastewater Treatment Plant in Shakopee. The Plan projects that the City will have 210 sewer households and 180 sewer employees by 2040. The Metropolitan Disposal System with its scheduled improvements has or will have adequate capacity to serve the City's growth forecasts.

The Plan provides sanitary flow projections in 10-year increments. The rationale for the projections is given in the Plan and determined appropriate for planning local services. The Council is committing to provide the level of wastewater service based on the sewer forecasts as stated in the sewer element of the Plan.

The Plan defines the community's goals, policies, and strategies for preventing and reducing excessive inflow and infiltration (I/I) in the local municipal (city) and private (private property) sanitary sewer systems; including a summary of activities and programs intended to mitigate I/I from both public and private property sources including manhole inspection and rehabilitation, investigation of flood area impacts to the sanitary sewer system and continuance of a sump pump and roof leader disconnection program.

The Plan describes the requirements and standards for minimizing I/I and references City Ordinance Section 303, part (19)(B) that prohibits clear water discharges from sump pumps, rain leaders, foundation drains, cistern overflows, and swimming pools to the sanitary sewer system and requires the disconnection of such connections if discovered. The City routinely inspects its collection system and notes potential locations where clear water sources occur. The Plan also identifies the installation of Supervisory Control and Data Acquisition (SCADA) equipment to monitor City flow and prioritize work in the City's Capital Improvement Plan.

The Plan describes the sources, extent, and significance of existing inflow and infiltration within the entire wastewater collection system and provides a description of an implementation plan for preventing and eliminating excessive inflow and infiltration from entering both the municipal and private property sewer systems. Approximately 61% of the 200 homes within the City were built prior to 1970 where clay tile services were standard. By comparing water consumption data to wastewater flow generation, the City has determined that the collection system is not significantly impacted by Infiltration. However, in 2013 the City was assigned an I/I mitigation work plan by the Council in response to a storm event whereby the peak flow rate from the City exceeded its assigned limit. The City continues to perform I/I mitigation work in response to the 2013 and earlier work assignments.

Sewer Element Comments

The Sewer Element of the Plan has been reviewed against the requirements for Comprehensive Sewer Plans for Suburban communities. It was found to be complete and consistent with Council WRPP policies for the sewer element. Upon adoption of the Plan by the City, the action of the Council to approve the Sewer Plan becomes effective. At that time, the City may implement its Plan to alter, expand, or improve its sewage disposal system consistent with the approved Sewer Plan. A copy of the City Council Resolution adopting its Plan needs to be submitted to the Metropolitan Council for its records.

Surface Water Management

Reviewer: Jim Larsen, CD – Local Planning Assistance (651-602-1159)

The Plan is consistent with Council policy requirements and in conformance with the Council's 2040 WRPP for local surface water management. The Plan satisfies the requirements for 2040 comprehensive plans. Minnetonka Beach lies within the oversight boundaries of the Minnehaha Creek Watershed District (Watershed District). The City submitted a draft Local Water Management Plan (LWMP) update for review in May 2018. Council Water Resources staff reviewed and commented on the draft LWMP to the City and Watershed District in a letter dated June 22, 2018. The Watershed District approved the LWMP on January 10, 2019. The Plan incorporates the final LWMP as Appendix Exhibit C.

Advisory Comments

When available, Council staff request that the City provide to the Council the date they adopted the final LWMP.

Consistency with Council Policies

The Council reviews plans to evaluate their apparent consistency with the adopted plans of the Council. Council staff have reviewed the City's Plan and find that it is substantially consistent with the Council's policies, as detailed below.

Forecasts

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

The Plan includes the forecast approved by Council in 2016 (Tables 1 and 2.1 of the Plan). For reference, the communitywide forecast is as follows:

Table 1 City of Minnetonka Beach Forecasts

	Census	Estimated	Council Forecasts		
	2010	2018	2020	2030	2040
Population	539	561	520	490	510
Households	201	201	200	200	210
Employment	174	226	180	180	180

Thrive MSP 2040 and Land Use

Reviewer: Jake Reilly, CD – Local Planning Assistance (651-602-1822)

The Plan is inconsistent with *Thrive MSP 2040* and its land use policies. The Plan acknowledges the *Thrive* community designation of Suburban (Figure 2). *Thrive* describes Suburban communities as those that saw their primary era of development during the 1980s and early 1990s as Baby Boomers formed families and entered their prime earning years.

Suburban communities are expected to plan for forecasted population and household growth at overall average densities of at least five units per acre, and target opportunities for more intensive development near regional transit investments at densities and in a manner articulated in the TPP. Plans are also required to identify areas for redevelopment, particularly areas that are well-served by transportation options and nearby amenities and that contribute to better proximity between jobs and housing.

The existing land uses in Minnetonka Beach are primarily residential, as shown in Figure 3. There is no commercial or industrial land within the City limits. The Plan's vision and goals focus on promoting the existing character of the community and protecting the riparian areas and related natural resources in the community. Lake Minnetonka represents a significant natural resource in the City. The lake makes up 70% of the area encompassed by the municipality. Residential land uses occupy 64% of the City's land area. The City does not anticipate much household growth, as reflected in the forecast, which shows a growth of nine households through 2040.

As shown in Table 2 below, the Plan is inconsistent with land use and residential density policies for the Suburban community designation. *Thrive* calls for Suburban communities to plan for forecasted population and household growth at overall average densities of at least 5 units per acre. The Plan identifies the City as a fully built out community with an existing development pattern that limits opportunities for higher density redevelopment or new development that could meet the City's Suburban community designation minimum residential density requirement of five units per acre. The Plan identifies seven vacant lots of record and includes a statement that the City will continue to strive for increased density through Accessory Dwelling Units and lot splits when appropriate. The vacant lots of record at this time total 5.37 acres.

Given previous development patterns, the lack of planned residential development or redevelopment opportunities within the planning timeframe, and the consideration that the City's household growth is forecasted to increase by only nine households by 2040, Council staff find that this is not an underutilization of the wastewater system. Given the relatively small amount of growth forecasted for the community, the Plan is not more likely than not to have a substantial impact on or contain a substantial departure from metropolitan system plans.

Table 2. Planned Residential Density, City of Minnetonka Beach

Category	2018-2040 Change				
	Density		Net Acres	Min Units	Max Units
	Min	Max			
Low Density Residential	1	3	5.37	5	16
	TOTALS		5.37	5	16
	Overall Density			1.0	3.0

Advisory Comments

Council staff advise the City that if redevelopment opportunities present themselves, the City must meet the minimum density of 5 units per acre and request a comprehensive plan amendment for review. Council staff recommend the City consider adding a second land use category that permits residential uses at a minimum of five units per net acre to allow for development consistent with Council land use policies. For example, if the market were to determine that some portion of the 46-acre country club property offered a redevelopment opportunity, that use could be applied. and could bring the Plan into consistency with Council land use and density policies.

Housing

Reviewer: Hilary Lovelace, CD – Housing (651-602-1555)

The Plan is inconsistent with the 2040 Housing Policy Plan. The Plan needs to identify existing housing needs, clearly and directly link identified needs to available housing tools, and needs to consider the use of all widely accepted housing tools.

The City has more than 230 homes, all of which are single-family. Approximately 19 homes are rented. Six housing units are currently affordable to households earning under 80% of Area Median Income (AMI), however, more than 20 households earning 80% of AMI or below are paying more than 30% of their income toward housing costs. The City does not currently have any publicly subsidized housing.

The City does not have an allocation of affordable housing need in the 2021-2030 decade.

The housing implementation plan component of the Plan describes that the City will partner with Hennepin County to connect residents to deferred loan programs for home repairs, and use CDBG dollars for cost-burdened households. The City plans to encourage the State to encourage cooperative intergenerational relationships between older and younger neighbors for family care and home maintenance.

Advisory Comments

Staff advise that to increase the clarity of the connection between housing tools and housing needs, the Plan list the number of the policy in the Housing Priority section of the Implementation Chapter in Table 4: Existing Housing Needs next to the corresponding need.

While the Plan provides uses for most tools, it would be fully consistent with Council housing policy if it considered all widely accepted tools to address the City’s identified housing needs. The *2040 Housing Policy Plan* requires that the Plan include consideration of all tools (p. 113) even if they are tools the City does not plan to use. Adopting a local fair housing policy and partnering with an existing Community Land Trust Model should be considered in the plan.

Water Supply

Reviewer: John Clark, ES – Water Supply Planning (651-602-1452)

The Plan is consistent with WRPP policies related to water supply, including the policy on sustainable water supplies, the policy on assessing and protecting regional water resources, and the policy on water conservation and reuse.

The City prepared a Local Water Supply Plan (LWSP) in 2019 that was submitted to both the MN Department of Natural Resources (DNR) and Council and reviewed under separate cover.

Advisory Comments

The Council's review of water supply-related content reflects the expectations shared with communities in their system statements and the water supply-related policies in the WRPP. If changes are made to this LWSP resulting from DNR's review of the plan or from changes during the full comprehensive plan update review process - such as changes to forecasts - the City will need to provide the Council and DNR with the updated information.

Community and Subsurface Sewage Treatment Systems (SSTS)

Reviewer: Jim Larsen, CD – Local Planning Assistance (651-602-1159)

The Plan indicates that there are no public or privately-owned Community Wastewater Treatment Systems or individual SSTS in operation within the City. All residents and businesses are connected to the local or adjacent community's sanitary sewer systems. Local system flows are directed by Metropolitan Interceptor to the Blue Lake Wastewater Treatment Facility in Shakopee for treatment and discharge to the Minnesota River.

Special Resource Protection

Solar Access Protection

Reviewer: Cameran Bailey, CD – Local Planning Assistance (651-602-1212)

The Plan is consistent with statutory requirements (Minn. Stat. 473.859) and Council policy regarding planning for the protection and development of access to direct sunlight for solar energy systems as required by the Metropolitan Land Planning Act (MLPA). The Plan includes the required solar planning elements.

Aggregate Resource Protection

Reviewer: Jim Larsen, CD – Local Planning Assistance (651-602-1159)

The Plan identifies, consistent with the Council's aggregate resources inventory information contained in *Minnesota Geological Survey Information Circular 46*, that there are no viable aggregate resource deposits within the City.

Historic Preservation

Reviewer: Jake Reilly, CD – Local Planning Assistance (651-602-1822)

The Plan addresses historic and cultural resources as required by the Metropolitan Land Planning Act, in Land Use and Housing Goal 9: Protect and Enhance the City's Historic and Cultural Resources. The City currently has 20 designated historic resources, listed in Table 4: Inventory of Historic Resources. The Plan indicates that the City has an interest in preserving representative portions of its history through existing partnerships with the State Historic Preservation Office (SHPO) and University of Minnesota to continue to preserve historically significant areas in the City, including by adding resources to the local, state, or national register.

Plan Implementation

Reviewer: Jake Reilly, CD – Local Planning Assistance (651-602-1822)

The Plan includes a description of and schedule for any necessary changes to the capital improvement program, the zoning code, the subdivision code, the SSTS code, and the housing implementation program.

The Plan, with supplemental materials, describes the official controls and fiscal devices that the City will employ to implement the Plan. Specific implementation strategies are contained in Chapter 9 of the Plan, with capital improvements planning detailed in the appendix.

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

The proposed Plan is compatible with the plans of adjacent jurisdictions. No compatibility issues with plans of adjacent governmental units and plans of affected special districts and school districts were identified.

Documents Submitted for Review

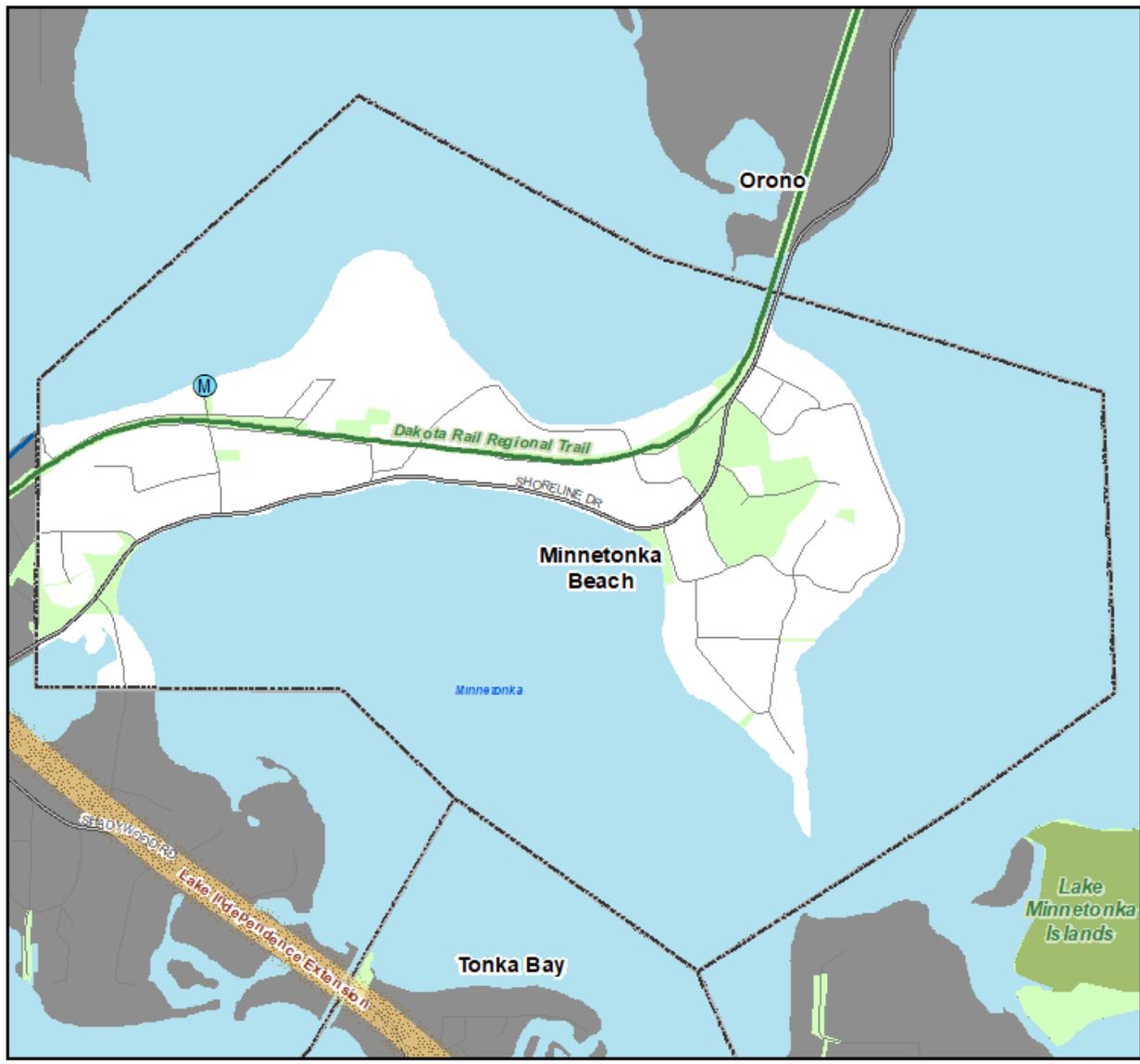
In response to the 2015 System Statement, the City submitted the following documents for review:

- May 2, 2018: Minnetonka Beach 2040 Preliminary Plan
- January 24, 2019: Minnetonka Beach 2040 Comprehensive Plan
- June 3, 2019: Revisions to the water supply plan, wastewater plan, and transportation, land use, housing, and forecasts sections

Attachments

- Figure 1: Location Map with Regional Systems
Figure 2: *Thrive MSP 2040* Community Designations
Figure 3: Existing Land Use
Figure 4: 2040 Planned Land Use

Figure 1. Location Map with Regional Systems



Source: NCompass Technologies Street Centerline



Regional Systems

Transportation

- Transitways**
2040 Transportation System Policy - adopted January 2015
- Existing
 - - - - Planned Current Revenue Scenario
 - - - - Planned Current Revenue Scenario - CTIB* Phase 1 Projects
 - Potential Increased Revenue Scenario

Regional Highway System

- Existing Principal Arterials
- Planned Principal Arterials
- Existing Minor Arterials
- Planned Minor Arterials
- Existing Other Arterials
- Planned Other Arterials

Recreation Open Space

- Regional Parks**
- Existing (Open to Public)
 - In Master Plan (Not Open to Public)
 - Planned Units
- Regional Trails**
- Existing (Open to Public)
 - Existing (Not Open to Public)
 - Planned

Wastewater

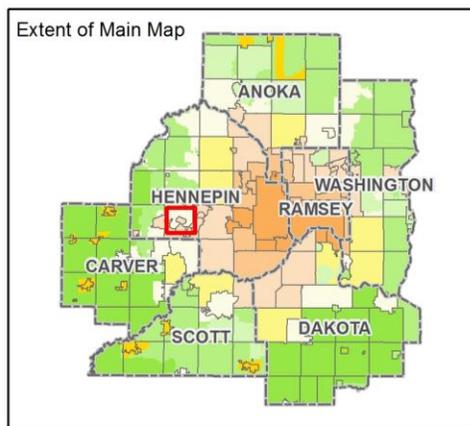
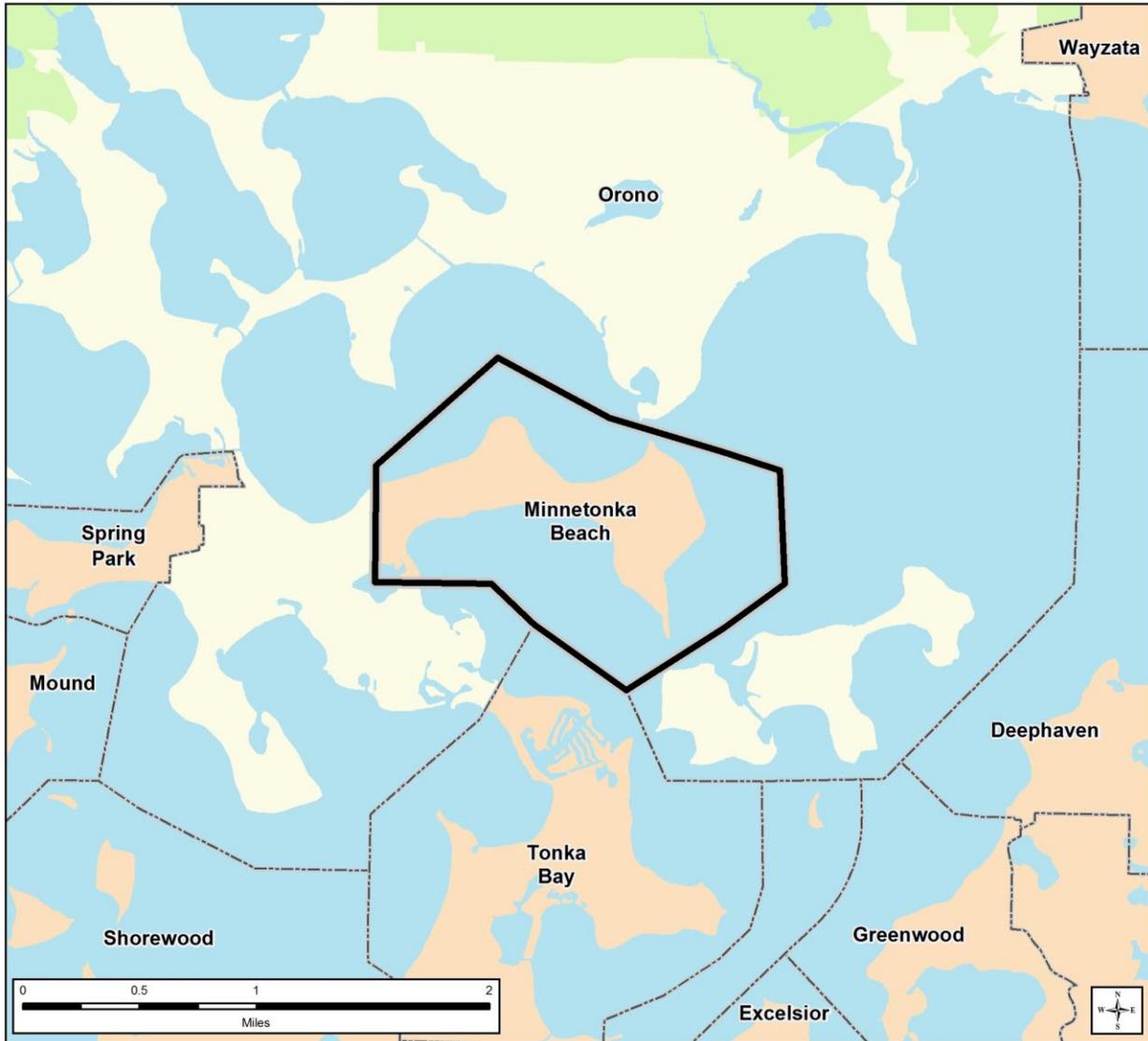
- M Meters
- L Lift Stations
- MCES Interceptors
- MCES Treatment Plants

Regional Park Search Areas and Regional Trail Search Corridors

- Boundary Adjustment
- Search Area
- Regional Trail Search Corridors
- Local Streets
- Existing State Trails
- Other Parks, Preserves, Refuges and Natural Areas

* Counties Transit Improvement Board (CTIB)

Figure 2. Thrive MSP 2040 Community Designations



Community Designations

- Outside Council planning authority
 - Agricultural
 - Rural Residential
 - Diversified Rural
 - Rural Center
 - Emerging Suburban Edge
 - Suburban Edge
 - Suburban
 - Urban
 - Urban Center
-
- County Boundaries
 - City and Township Boundaries
 - Lakes and Major Rivers

Figure 3. Existing Land Use



Figure 4. 2040 Planned Land Use

