

# Business Item

Community Development Committee



**Committee Meeting Date:** August 15, 2022

**For the Metropolitan Council:** September 14, 2022

**Environment Committee Date:** August 23, 2022

## Business Item: 2022-230 JT

City of Willernie 2040 Comprehensive Plan and Comprehensive Sewer Plan, Review File 22226-1

<b>District(s), Member(s):</b>	District 12, Francisco J. Gonzalez
<b>Policy/Legal Reference:</b>	Metropolitan Land Planning Act (Minn. Stat. § 473.175), Minn. Stat. § 473.513
<b>Staff Prepared/Presented:</b>	Raya Esmaeili, Senior Planner (651-602-1616) Angela R. Torres, Local Planning Assistance Manager (651-602-1566) Kyle Colvin, Wastewater Planning and Community Programs Manager (651-602-1151)
<b>Division/Department:</b>	Community Development / Regional Planning Environmental Services / Technical Services

### Proposed Action

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

#### Recommendations of the Community Development Committee

1. Authorize the City of Willernie to place its 2040 Comprehensive Plan into effect.
2. Advise the City:
  - a. When available, Council staff request that the City provide to the Council the date the City adopts the final Local Water Management Plan. Council staff also request that the City provide the Council with a copy of the final adopted Local Water Management Plan that will be included in the Final Plan document that the City adopts if it differs from the draft Local Water Management Plan previously submitted to the Council.
  - b. To implement the advisory comments in the Review Record for Transportation and Land Use.

#### Recommendation of the Environment Committee

1. Approve the City of Willernie's Comprehensive Sewer Plan.
  - a. Advise the City to implement the advisory comments in the Review Record for Wastewater Services.

## Advisory Comments

The following Advisory Comments are part of the Council action authorizing the City of Willernie 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. § 473.864, subd. 1)
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. Stat. §§ 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.



## Background

The City of Willernie is located in western Washington County. It is completely surrounded by the City of Mahtomedi.

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)	Conforms
Consistency with Council Policy	<i>Thrive MSP 2040</i> and Land Use	Consistent
Consistency with Council Policy	Forecasts	Consistent
Consistency with Council Policy	<i>2040 Housing Policy Plan</i>	Consistent
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

The Metropolitan Council awarded the City a Planning Assistance Grant of \$10,000 to complete its



2040 comprehensive plan. The first half of this grant was paid to initiate the local planning process. The second half of the grant will be paid after Council authorization of the City's plan, local adoption, and the City's submittal of final reporting requirements.

### **Known Support / Opposition**

There is no known opposition.



# REVIEW RECORD

## City of Willernie 2040 Comprehensive Plan

### Review File No. 22226-1, Business Item No. 2022-230 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). Washington County would be the Park implementing agency for Regional Parks System components in the City of Willernie, however there are no Regional Parks System components in the City. There are also no state or federal recreation lands in the City.

### Regional Transportation, Transit, and Aviation

*Reviewer: Bethany Brandt-Sargent, Metropolitan Transportation Services (MTS) (651-602-1725)*

The Plan Conforms to the 2040 Transportation Policy Plan (TPP) adopted in 2015. 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.

### Roadways

The Plan conforms to the Highways system element of the TPP. The Plan accurately accounts for the metropolitan highway system of principal arterials of which there are none in the city. There are no planned additions or improvements identified in the Current Revenue Scenario, and no right-of-way preservation needs.

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

### Transit

The Plan conforms to the Transit system element of the TPP and acknowledges that the City is within Transit Market Area III. 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.

### Aviation

The Plan conforms to Aviation system element of the TPP. There is no airport in Willernie; the closest airport is Lake Elmo Airport, approximately five miles to the southeast. The Plan includes policies that protect regional airspace from obstructions in the region.

### Bicycling and Walking

The Plan is consistent with the Bicycling and Pedestrian chapter of the TPP. The Plan identifies city pathways as well as existing and planned regional trails. The Plan needs to continue to work on identifying these pathways as well as existing and future segments of and connections to the Regional Bicycle Transportation Network (RBTN) and regional trails. There is one Tier 1 corridor (CSAH 12) within the city boundaries.



## Freight

The Plan is consistent with Freight policies of the TPP. The Plan identifies CSAH 12 as the primary truck route through the City. There are no active rail lines and no specific needs for Freight at this time.

## 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 Metropolitan 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 community's Thrive designation.

### Advisory Comments

The Plan notes that Willernie is served by Route 270 express service. However, this route no longer services the City and no replacement is currently operational. Therefore, this reference should be removed.

## Water Resources

### Wastewater Services

*Reviewer: Kyle Colvin, Environmental Services (ES) – Wastewater Planning and Community 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 assigned forecasts for population, households, and employment.

Current wastewater treatment services are provided to the city by the Metropolitan Council Environmental Services (MCES). Wastewater generated within the city is conveyed by Council Interceptor 1-WL-419 to the Metropolitan Council's Metropolitan Treatment Plant in St. Paul for treatment. The Plan projects that the city will have 230 sewered households and 200 sewered 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 states that due to no growth being forecasted within the city, wastewater flow is not expected to increase significantly. The Metropolitan Council is committing to provide the level of wastewater service based on the sewered forecasts as stated in the sewer element of the Plan.

The land use plan reflects an overall minimum residential sewered density that is consistent with Council policy for future sewered residential growth for Suburban communities.

The Plan defines the City's policies and strategies for preventing and reducing excessive inflow and infiltration (I/I) in the local municipal (city) sanitary sewer system through continued routine maintenance. The City inspects portions of its wastewater collection system annually and any issues identified are addressed to reduce sources of I/I. The implementation chapter of the Plan reflects an annual budget of \$22,000 for water, sanitary, and storm sewer maintenance and improvements.

The Plan describes the requirements and standards for minimizing I/I and includes a copy of Chapter 1200 which states under Article 1209, Section 1209.040, part (a): that it is unlawful to discharge or cause to be discharged, any roof, storm, surface or ground water of any type into the sewer system. Part (b) of said section also requires that any sump pump that is found to be in violation of the ordinance shall be disconnected.

The Metropolitan Council does not own or operate any sanitary sewer flow meters to measure flow from the city. Therefore, the Plan does not attempt to describe the sources, extent, or significance of existing I/I within the City's wastewater collection system nor does it provide a description of implementation strategies for preventing or eliminating excessive I/I from entering the collection system other than to state that it will maintain, and repair, existing pipes when needed. The Plan

suggests that approximately 66% of the homes within the city were built prior to 1970 when services were predominately made of clay tile pipe. The significance of clay tile pipe is that as it ages it can become more susceptible to I/I. The Plan does not indicate that the City has current programs or proposes future programs to address private property I/I.

#### *Comprehensive Sewer Plan 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 policies. 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.

#### *Advisory Comments*

The Plan does not include strategies for addressing private property sources of Inflow and Infiltration (I/I), which can be a major contributor of total wastewater volume within the City's system and the regional collection system. It is likely that any future funding sources that may be made available to address private property I/I (PPII) mitigation efforts will be based on a community's understanding of the impact that PPII has on its system flow, and a demonstrated need for funding assistance. It is strongly recommended that the final adopted Plan include a section characterizing the impact that PPII has on the City's wastewater flow volumes and the impact on the regional wastewater system.

### **Surface Water Management**

*Reviewer: Judy Sventek, ES – Water Resources (651-602-1156)*

The Plan is consistent with Council policy requirements and in conformance with the Council's WRPP for local surface water management. The Plan satisfies the requirements for 2040 comprehensive plans. Willernie lies within the oversight boundaries of the Rice Creek Watershed District. Willernie submitted a draft Local Water Management Plan (LWMP) to the Metropolitan Council (Council) in August 2018. Council Water Resources staff reviewed and commented on the draft LWMP to the City and Watershed District in a letter dated September 14, 2018. The LWMP was approved by the Watershed District on February 27, 2019.

#### *Advisory Comments*

When available, Council staff request that the City provide to the Council the date the City adopts the final LWMP. Council staff also request that the City provide the Council with a copy of the final adopted LWMP that will be included in the final Plan document that the City adopts if it differs from the draft LWMP submitted to the Council on August 27, 2018.

### **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 consistent with the Council's policies, as detailed below.

#### **Forecasts**

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

The Plan includes the Metropolitan Council forecasts for the City. For reference, Metropolitan Council forecasts are shown below in Table 1. The entire City is sewer-served. The sewer service forecast is the same as the community total forecasts.

*Table 1. City of Willernie Forecasts*

	Census 2010	Estimated 2016	Council Forecasts		
			2020	2030	2040
<b>Population</b>	507	528	520	510	510
<b>Households</b>	218	228	230	230	230
<b>Employment</b>	182	260	200	200	200



## Thrive MSP 2040 and Land Use

*Reviewer: Raya Esmaeili, CD – Local Planning Assistance (651-602-1616)*

The Plan is consistent 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 communities that have experienced continued growth and expansion during the 1980s and early 1990s, and typically have automobile-oriented development patterns at significantly lower densities than in previous eras. Thrive calls for Suburban communities to plan for and accommodate forecasted growth at overall residential densities of at least five units per acre for development and redevelopment and to target opportunities for more intensive development near regional transit investments with adequate sewer capacity at densities and in a manner articulated in the *2040 Transportation Policy Plan*.

The existing land uses are primarily residential (68%). The remainder of the land consists of open water and parks, a small strip commercial area (7%), and 12 acres of undeveloped land – mostly wetlands and/or steep slopes -- representing 15% of the city's land area (Figure 3). The City is wholly surrounded by the City of Mahtomedi and shares some services with that municipality.

The City is a fully developed Suburban community encompassing 82 acres and consisting mainly of single-family detached housing. There is an existing commercial area located generally along Stillwater Road (CSAH 12) and Wildwood Road. The City's current residential density is approximately 4.3 units per acre.

Undeveloped land located in the western portion of the City is within a wetland/steep slope area. Due to City ordinances that require buildable lot sizes of minimum 12,800 square feet along with setback requirements from water, steep slopes and watercourses it is unlikely the lots in this area will ever be developed or require further water and sewer expansion. Additionally, limitations of available land restrict the potential for future platting of land or new subdivisions.

The Plan is consistent with Thrive for land use and residential density policies for a Suburban community designation. Thrive calls for Suburban communities to plan for forecasted population and household growth at overall average densities of at least five (5) units per acre. However, the City is not expected to grow and in fact is expected to see a slight decline in overall population as shown in Table 1 of the Forecast section of this Report. With no planned growth and limited land availability, there is little likelihood that further expansion of water and sewer services would take place at any time in the future. There are no plans for future platting of land or new subdivisions and no expectation that the current housing mix or density will change during the 2020-2040 planning period.

### *Advisory Comment*

Any future residential re/development will need to meet the minimum density standard for Suburban communities (5 units/acre). A comprehensive plan amendment will be required if that occurs, which needs to include land use descriptions and density ranges in accordance with the minimum density standards.

## Housing

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

The Plan is consistent with the *Housing Policy Plan (HPP)*. As of 2016, the City has 240 homes including 13 multifamily units and 227 single-family homes. Approximately 55 homes are rented. More than 210 housing units are currently affordable to households earning under 80% of Area Median Income (AMI), however, nearly 40 households earning 80% of AMI or below are paying more than 30% of their income toward housing costs. There are about 10 units affordable to households with income at or below 30% AMI and more than 25 cost-burdened households with incomes at or below 30% AMI.

The Plan identifies existing housing needs including maintenance and reinvestment in existing housing stock, variety of housing types for all stages of life, and housing that is affordable to a range of income levels, especially moderate- and low-income households. 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, as it is not expected to experience any sewer-serviced growth.

The housing implementation plan component of the Plan describes that the City works in collaboration with many different organizations to meet their needs, including Washington County CDA. The Plan also indicates that the City will continue to maintain their rental licensing program and offer effective referrals to residents when they have housing issues. The City states that they will consider partnering with Two Rivers Community Land Trust to provide affordable housing opportunities.

## **Water Supply**

*Reviewer: Lanya Ross, ES – Water Supply Planning (651-602-1803)*

The Plan is consistent with the 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 has a municipal public water supply system with water supplied by an interconnect with the City of Mahtomedi. Therefore, Willernie's water supply needs are addressed in Mahtomedi's planning. The Mahtomedi Comprehensive Water Supply Plan, completed according to guidelines from Minnesota Department of Natural Resources (DNR) as laid out in the Local Water Supply Plan (LWSP) template, is included as Appendix 2 of the Willernie's Plan. The City of Mahtomedi's Comprehensive Water Supply Plan is consistent with the LWSP they prepared and submitted to both the DNR and the Council, which was received on January 3, 2017, and reviewed under a separate cover. The Mahtomedi LWSP was considered complete by the Council and a review letter was sent to the DNR on January 31, 2017. DNR approved the Mahtomedi Local Water Supply Plan on April 10, 2018.

## **Community and Subsurface Sewage Treatment Systems (SSTS)**

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

The Plan indicates that there are no public or privately-owned Community Wastewater Treatment Systems within the City, and since sewer forecasts are identical to the total community forecasts, the Plan infers that there are no SSTS within the City. The Plan states that the City does not allow any SSTS. Washington County administers SSTS programs within the County.

## **Special Resource Protection**

### **Solar Access Protection**

*Reviewer: Eric Wojchik, CD – Local Planning Assistance (651-602-1330)*

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: Eric Wojchik, CD – Local Planning Assistance (651-602-1330)*

The Plan does not address the presence or absence of aggregate resources in the City. However, *Minnesota Geological Survey Information Circular 46*, the Council's aggregate resources inventory, does not identify the presence of any aggregate resources available for mining in the nearly fully developed City.

### **Historic Preservation**

*Reviewer: Raya Esmaeili, CD – Local Planning Assistance (651-602-1616)*

The Plan addresses historic and cultural resources as required by the Metropolitan Land Planning Act. There are no historic or architecturally significant sites within the city. The City notes that it will continue its own research into local legends and will encourage inclusion of possible historic sites into the state database.



## Plan Implementation

*Reviewer: Raya Esmaeili, CD – Local Planning Assistance (651-602-1616)*

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 individual chapters 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:

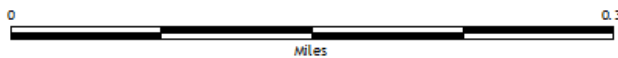
- August 27, 2018: Surface Water Management Plan
- March 12, 2019: Willernie 2040 Comprehensive Plan
- June 7, 2022: Revised 2040 Comprehensive Plan responding to Council incomplete items for parks and open space, transportation, wastewater, forecasts, land use, and housing.
- June 20, 2022: Resolution to submit comprehensive plan to the Council
- June 27, 2022: Ordinance prohibiting clear water connections to the sanitary sewer system
- June 30, 2022: Revised 2040 Comprehensive Plan

## Attachments

- Figure 1: Location Map with Regional Systems  
Figure 2: Thrive MSP 2040 Community Designations  
Figure 3: 2016 Generalized 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**

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

**Regional Park Search Areas and Regional Trail Search Corridors**

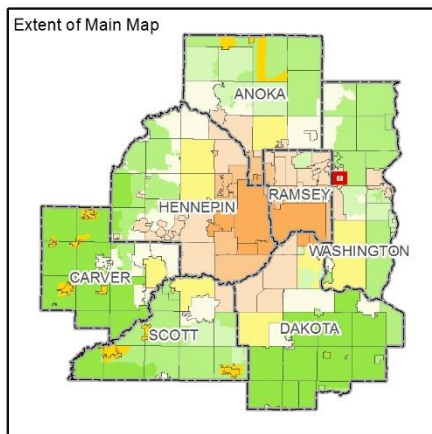
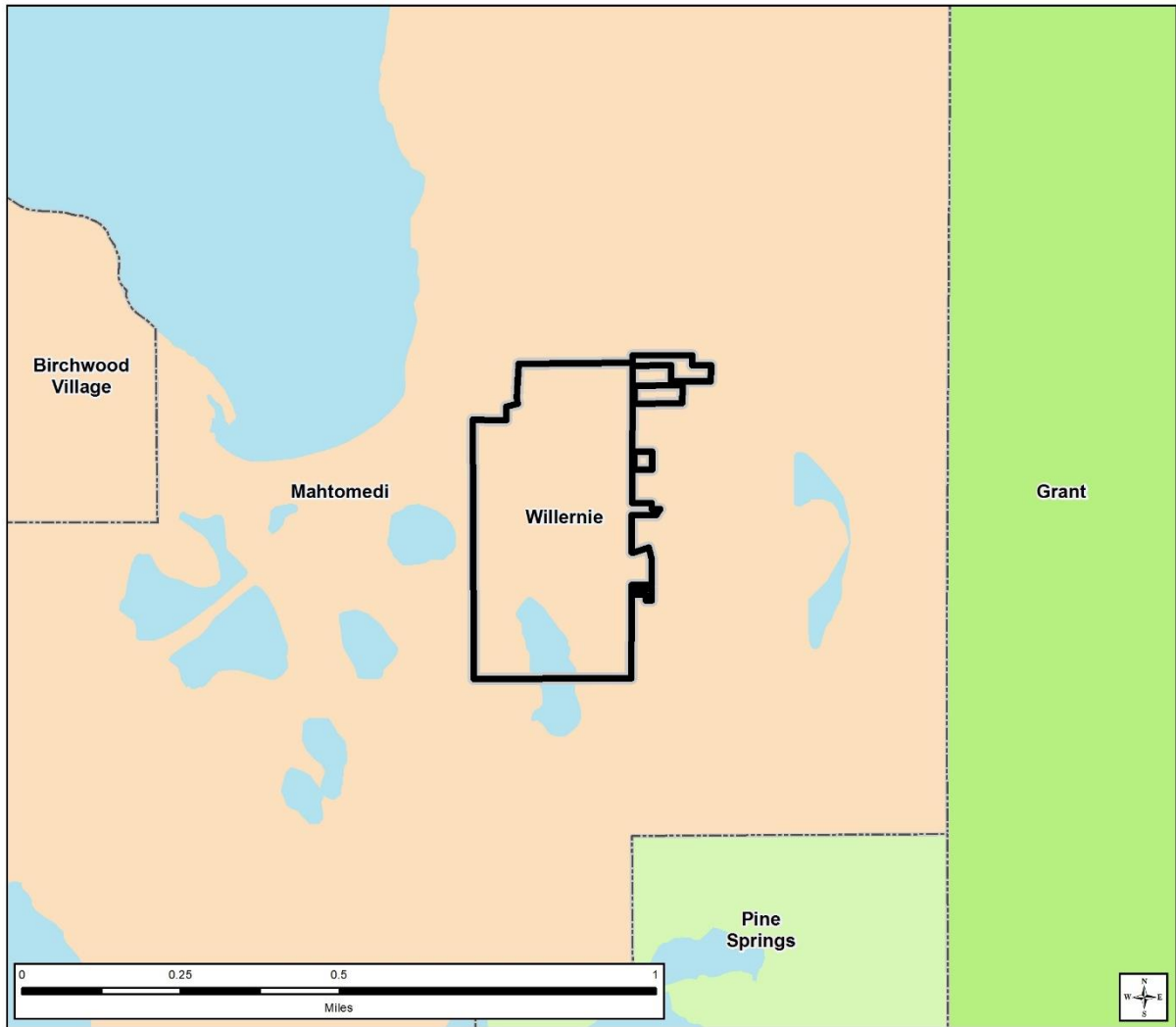
- Boundary Adjustment
- Search Area
- Regional Trail Search Corridors

- Local Streets
- Existing State Trails
- Other Parks, Preserves, Refuges and Natural Areas

\* Counties Transit Improvement Board (CTIB)



**Figure 2. Thrive MSP 2040 Community Designations**

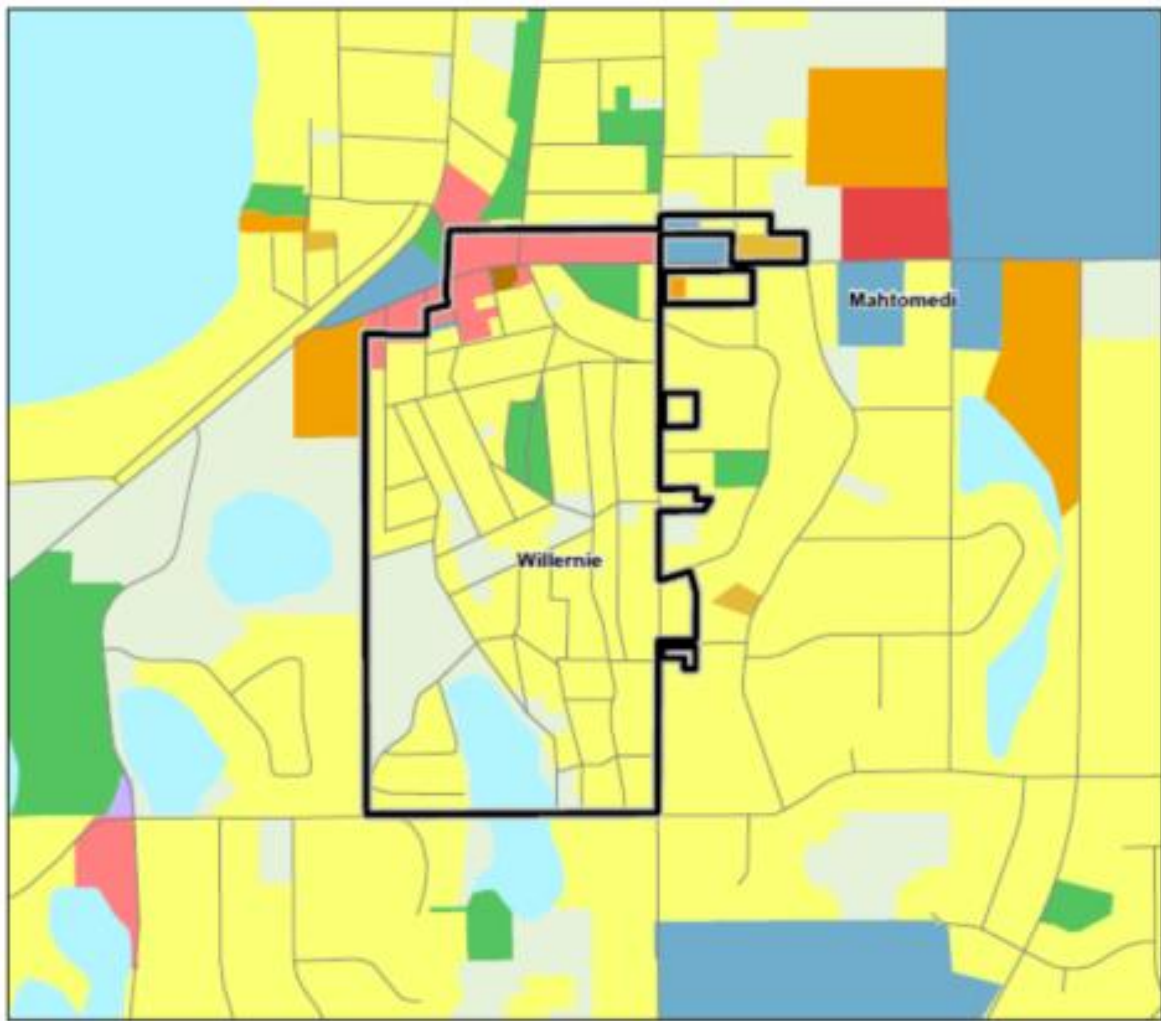


**Community Designations**

- 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. 2016 Generalized Land Use



2016 Generalized Land Use



Figure 4. 2040 Planned Land Use

