

## Community Development Committee

Meeting date: November 18, 2013

For the Metropolitan Council meeting of December 11, 2013

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**Subject:** City of Lake Elmo Village Area Comprehensive Plan Amendment, Review File No. 20599-5

**District(s), Member(s):** 12, Council Member Harry Melander

**Policy/Legal Reference:** Minnesota Statutes Section 473.175

**Staff Prepared/Presented:** LisaBeth Barajas, Local Planning Assistance Manager (651-602-1895)

**Division/Department:** Community Development / Regional Planning

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### Proposed Action

That the Metropolitan Council:

1. Adopt the attached review record and allow the City of Lake Elmo to put the Village Area comprehensive plan amendment (CPA) into effect.
2. Find that the proposed amendment does not change the official forecasts for the City.
3. Encourage the City to begin participation in the Livable Communities Act (LCA) Local Housing Incentives Account in order to become eligible for LCA grants that can assist in the development and preservation of affordable housing.
4. Advise the City to implement the advisory comments in the Review Record for Transportation.

### Background

The Council reviewed the City's 2030 Comprehensive Plan Update (Update), Review File No. 20599-1, on March 24, 2010. The proposed CPA is the fourth amendment to the Update.

The CPA proposes to amend the Update to incorporate detailed planning efforts for the Village Area providing for a more detailed land use guiding breakdown for residential land uses, as well as updating the wastewater plan to reflect the changes in land use and staging for the Village Area and the I-94 Corridor (reviewed February 27, 2013, Business Item 2013-28, Review File No. 20599-3).

### Rationale

The proposed CPA conforms to regional system plans, is consistent with Council policies, and is compatible with the plans of other local communities, school districts, and affected special districts. The proposed CPA is also consistent with the existing adopted legal agreements, and with the accompanying amendment to those legal agreements.

### Funding

None.

### Known Support / Opposition

There is no known opposition.

**Review Record**  
**City of Lake Elmo**  
**Village Area Comprehensive Plan Amendment**

Review File No. 20599-5, Council Business Item No. 2013-320

**BACKGROUND**

The City of Lake Elmo is located in central Washington County. The City is bounded by the City of Grant to the north, the City of Stillwater and the City of Oak Park Heights to the northeast, Baytown Township and West Lakeland Township to the east, the City of Afton to the southeast, the City of Woodbury to the south, and the City of Oakdale to the west. The *2030 Regional Development Framework* (RDF) identifies the City as both Developing and Rural Residential planning areas.

In September 2002, the Metropolitan Council completed its review of the City's 1998 Comprehensive Plan and found that the City's plan was not consistent with the Council's Regional Growth Strategy and that the plan may substantially depart from, and may have a substantial impact on, metropolitan system plans. Consequently, the Council required the City to make modifications to its plan. After the City exhausted the administrative law judge and appellate court processes, the Minnesota Supreme Court in August 2004 affirmed prior legal decisions finding that the Metropolitan Council has the statutory authority to require the City to modify its plan.

Subsequently, the City and the Council entered into a Memorandum of Understanding (MOU) in January 2005. The MOU established a framework for the City comprehensive plan revision that focused on planning future urban development that would conform to metropolitan system plans and outlined the City's commitment to construct, connect, and put into service a local wastewater collection system to support forecasted growth through 2030. In June 2005, the City requested an extension of time for submitting its modified 1998 comprehensive plan. Metropolitan Council Resolution 2005-20 granted the requested extension and included numerous requirements and conditions further defining the terms for an acceptable 1998 comprehensive plan, including establishing Residential Equivalent Connection (RECs) milestones in 5-year increments for sewer growth through 2030.

The Resolution granted the City a time extension for completion of its comprehensive plan (1998 decennial review), and added a provision for the Council to assess Wastewater Inefficiency Fees (WIFs) to the City for not meeting the pre-established RECs milestones. The Resolution also contained a provision that allowed the City to petition the Council for relief of WIF assessment due to a "protracted downturn in the economy or a long term recession." The City has made this petition to the Council.

In September 2005, the Council issued the System Statement for Lake Elmo for the 2008 decennial comprehensive plan update. The City incorporated much of the updated information in their 1998 plan, including wastewater, forecasts through 2030, and land use. In April 2006, the Council reviewed and accepted the City's 1998 comprehensive plan (Business Item 2006-88, Review File No. 18608-1), finding that the plan satisfied the requirements of Council Resolution 2005-20 and the January 2005 MOU.

The MOU and Resolution 2005-20 detailed forecasted growth for the City through 2030. The Council's System Statement for the City was revised pursuant to the Council's final action on the City's 1998 comprehensive plan, which included planning through 2030. The revisions included amending the City's geographic planning area to reflect designation of the City's rural area as Rural Residential rather than Diversified Rural; expected splits in



flow between the two regional wastewater interceptors serving the City, but still equaling the totals shown in the MOU and the City's approved 1998 comprehensive plan; and ensuring that forecasts are consistent with those shown in the MOU and the City's 1998 plan.

In May 2009, the City submitted its Comprehensive Plan Update (Update) to the Council for review to meet the Metropolitan Land Planning Act requirements (Minn. State. 473.175) and the Council's 2005 System Statement requirements. Concurrently, the City petitioned the Council for relief from the Wastewater Inefficiency Fee (WIF), a tool outlined in Resolution 2005-20 that allows the Council to collect fees from the City for not meeting the designated sewer milestones. The Council reviewed the petition and passed Resolution 2010-08, which granted the City temporary relief from the WIF and established the conditions under which relief from the WIF would be granted. At the same time, the Council reviewed and approved the City's Update in March 2010. The City and Council subsequently executed a Memorandum of Understanding (MOU) regarding these fees and associated conditions, while keeping all other provisions of the original MOU and Resolution 2005-20 in full force and effect.

Since approval of the Update, the City has submitted four amendments. The Fredrich Farm comprehensive plan amendment regraded 24.4 acres from Rural Agricultural Density to Rural Agricultural Density 2 to support the development of a 50-unit senior living and farm school development. The Council administratively reviewed the amendment in September 2010.

The Council reviewed the I-94 Corridor CPA on February 27, 2013 (Business Item 2013-28, Review File No. 20599-3). The CPA amended the land use guiding for the corridor to include more detailed land use guiding breakdown for residential land uses, as well as changes in staging for wastewater services. This amendment also regraded inholding parcels in Lake Elmo Regional Park and a revised Housing Plan that acknowledged the City's share of the region's affordable housing need and met the statutory requirements for planning for affordable housing. Along with this amendment, the Council also reviewed and approved an amendment to the MOU to address planning issues related to staging and to the residential/non-residential split for wastewater connections, and to clarify the scope and nature of the MOU regarding development staging and wastewater inefficiency fees.

The Olson Lake Trail comprehensive plan amendment revises the City's planned future sewer service area to include a small number of existing housing units on the western shore of Lake Olson. These houses are planned to be served by a sewer extension from the City of Oakdale, executed through a joint powers agreement. No new development or land uses were proposed as part of this amendment. The Council administratively reviewed the amendment in June 2013.

The City began more extensive planning for the sewer portions of the community following the approval of the Update. The City split the planning efforts into the two main portions: the Village Area in the central part of the community, and the I-94 Corridor (or South of 10<sup>th</sup> Street) area. The proposed CPA regards the Village Area.

## **REQUEST SUMMARY**

The CPA proposes to amend the Update to incorporate detailed planning efforts for the Village Area providing for a more detailed land use guiding breakdown for residential land uses, as well as providing a minor updates to the wastewater plan to reflect the changes in land use and staging for both the Village Area and the I-94 Corridor (reviewed February 27, 2013, Business Item 2013-28, Review File No. 20599-3). The Village Area CPA covers approximately 1,300 acres located in the northeastern part of the community, just north of Lake Elmo Regional Park.

## OVERVIEW

<b><i>Conformance with Regional Systems</i></b>	The CPA conforms to the Regional System Plans for Parks, Transportation (including Aviation), and Wastewater, with no substantial impact on, or departure from, these plans.
<b><i>Consistency with Council Policies</i></b>	The CPA is consistent with the Council's RDF, with water resources management, and is consistent with Council forecasts.
<b><i>Compatibility with Plans of Adjacent Jurisdictions</i></b>	The CPA will not have an impact on adjacent communities, school districts, or watershed districts, and is compatible with the plans of those districts.

## PREVIOUS COUNCIL ACTIONS

- The Council acted on the City's Update on March 24, 2010 (Review File No. 20599-1).
- The Fredrich Farm CPA was administratively approved by the Council on September 13, 2010 (Review File No. 20599-2).
- The Council acted on the I-94 CPA on February 27, 2013 (Business Item No. 2013-28, Review File No. 20599-3)
- The Olson Lake Trail CPA was administratively approved by the Council on June 13, 2013 (Review File No. 20599-4)

## ISSUES

- I. Does the amendment conform to the regional system plans?
- II. Is the amendment consistent with the RDF and other Council policies?
- III. Does the amendment change the Township's forecasts?
- IV. Is the amendment compatible with the plans of adjacent local governmental units and affected jurisdictions?

## ISSUES ANALYSIS AND FINDINGS

### Conformance with Regional Systems

#### *Regional Parks*

*Reviewer: Jan Youngquist (651-602-1029)*

The proposed CPA conforms to the *2030 Regional Parks Policy Plan*. There are two regional parks system facilities in the vicinity of the Village Area: Lake Elmo Park Reserve and the proposed Washington County Central Greenway Regional Trail. Land within the Village Area that is adjacent to Lake Elmo Park Reserve is guided with a Village Area Open Space Overlay, which will serve as a buffer to the regional park reserve. The Village Area Plan also states that a multi-use trail along Lake Elmo Avenue should be given special consideration as part of future improvements to the County road, which will facilitate the development of the Washington County Central Greenway Regional Trail.

#### *Transportation*

*Reviewer: Russ Owen (651-602-1724)*

The proposed amendment conforms to the 2030 Transportation Policy Plan (TPP). The reduction in planned low density housing units and increases in the number of medium and high density residential units should be beneficial to transit service. No additional improvements are needed to the regional transportation system.

The City adequately addresses the land use/zoning issues in the Village Area relating to the FAA Runway Protection Zone (RPZ) and Safety Zones at the Lake Elmo Regional Airport, adjacent to the east. The CPA designates properties in the RPZ as "Village Open Space/Green Belt," which limits development and is consistent with the RPZ limitations. The CPA also

proposes to delay rezoning in those areas affected by Safety Zones A and B until such time that an updated airport zoning ordinance is adopted by the City or a Joint Planning Board.

### Advisory Comments

The City should continue to monitor potential changes to state-wide land use regulations in and around airports. The City should also continue to work with the Metropolitan Airports Commission and MnDOT Aeronautics to develop airport zoning regulations that address land uses around the airport.

### *Wastewater Services*

*Reviewer: Kyle Colvin (651-602-1151)*

The proposed CPA includes minor adjustments to the City's current approved Tier II wastewater plan. The CPA provides specific information related to the means and staging of sanitary sewer service for the Village Area of the City. The amendment also updates the wastewater plan for that portion of the City South of 10<sup>th</sup> Street (I-94 Corridor) to reflect minor adjustments to sewer growth forecasts within the WONE and Cottage Grove interceptor service areas due to redirection of service for the Lennar Savona development. The forecasted sewer residential equivalent connections (RECs) are consistent with the Memorandum of Understanding between the Council and the City, related to the City's commitment to utilize regional wastewater system investments. The amendment also provides corresponding wastewater flow projections related to forecasted sewer growth, and appears to be appropriate for the planning and design of local wastewater conveyance systems.

The regional wastewater system has adequate system capacity to accommodate the City's immediate short-term service level needs. Future system improvements are being scheduled to address the City's long-range service needs.

### *Consistency with Council Policy*

The proposed CPA is consistent with the Council's policies for land use, housing, subsurface sewage treatment systems, and water supply, with additional details below.

### *2030 Regional Development Framework and Land Use*

*Reviewer: LisaBeth Barajas (651-602-1895)*

The proposed CPA is consistent with the Council's policies for Developing communities as outlined in the *2030 Regional Development Framework* (RDF) and with the Council's legal agreements with the City regarding land use. The RDF directs Developing communities to accommodate new sewer residential development at densities of at least 3 units per acre.

The amendment is a reflection of more detailed planning completed for the Village Area and proposes new land use categories for residential uses and an expansion of non-residential uses within the planning area. New residential land use categories include Village Urban Low Density at 1.5-2 units per acre, Village Urban Medium Density at 3-4 units per acre, and Village Mixed Use at 6-10 units per acre. For comparison, the existing planned land uses for sewer residential development in the Village Area include: Village Residential (VR) Low Density at 3-4.4 units/acre, VR High Density Residential at up to 14.5 units/acre, VR Mixed Use/Medium Density at 5-6 units/acre, VR Green Belt to protect natural resources and limit development to 0.45 units/acre, and VR Public (see Figure 2). The CPA also proposes to regrade 6.5 acres from VR Green Belt to Commercial.

The proposed residential land use guiding in the Village Area is consistent with the Council's policy for sewer residential density of at least 3 units per acre, resulting in a minimum average density of 3.5 units per acre overall in the City, as shown in Table 1 below.

**Table 1. Lake Elmo Sewered Residential Development - Density Calculations**

Category	Density Range		Gross Acres	Min Units	Max Units	
	Min	Max				
Urban Low Density	2.5	4	496.39	1241	1986	I-94
Urban Medium Density	4.5	8	390.49	1757	3124	
Urban High Density	7.5	15	157.67	1183	2365	
Village Urban Low Density Res (V-LDR)	1.5	2	216.2	324	432	VILLAGE
Village Urban Medium Density Res (V-MDR)	3	4	113.7	341	455	
Village Mixed Use (VMX)*	6	10	164.4	543*	1644	
<b>TOTALS</b>			<b>1538.85</b>	<b>5389</b>	<b>10,006</b>	
<b>Overall Density</b>				<b>3.50</b>	<b>6.50</b>	

\* Unit count based on developable parcels within the VMX district, according to City. A number of existing houses exist, and the City is not proposing that these change at this time.

**Forecasts**

Reviewer: Todd Graham (651-602-1322)

The CPA is consistent with Council policy, the MOU, and subsequent legal agreements for forecasts. The CPA will reguide land as Village Urban Low Density, Medium Density, and Mixed Use. This has the potential to add housing capacity in the Village Area. The City offers that the CPA will not affect community-wide forecasts; and Council staff agree with this assessment. The expected housing and other development is already anticipated by existing forecasts, and no forecast change is needed.

**Housing**

Reviewer: LisaBeth Barajas (651-602-1895)

The CPA is consistent with the Council's housing policy, which directs communities to plan for their share of the region's affordable housing need. The City's share is 465 housing units. To provide opportunities to meet this need, the City's Comprehensive Plan guides 79 acres as Urban High Density in the I-94 Corridor. This guiding has the potential to support 593 housing units, more than is needed to accommodate the City's share of the affordable housing need. The proposed CPA provides additional opportunities as it guides an additional 164 acres as Village Mixed Use, with the potential to accommodate 543 units based on existing development in this area.

**Advisory Comments**

The City is not currently a participant in the Local Housing Incentives program of the Livable Communities Act, but is strongly encouraged to participate. In addition, the City is encouraged to consider forming partnerships with the Washington County HRA and other state agencies to assist them with identifying and accessing tools and resources to advance both their affordable and lifecycle housing goals.

**Water Supply**

Reviewer: Lanya Ross (651-602-1803)

The CPA is consistent with the Council's policy for water supply. The CPA area is located in the City's Drinking Water Supply Management Area, which the City and the MN Department of

Health have designated as moderate to highly vulnerable to potential contamination. Land use, and stormwater infiltration in particular, should be consistent with the City's wellhead protection plan and with guidance from the MN Department of Health for stormwater infiltration in vulnerable drinking water supply management areas.

The CPA area is also located in an area designated as a Special Well and Boring Construction Area by the MN Department of Health, and certain groundwater pumping and other activities may require additional review and requirements. While no change in water use is projected by the CPA, development plans and permits should address the groundwater contamination potential in this area as appropriate.

Finally, the Council encourages efforts to promote the efficient use of water to protect and to enhance the region's water supply sources. New development and redevelopment always provide opportunities to implement new water conservation and stormwater management strategies as part of construction and site landscaping. The Council's Conservation Toolbox and Stormwater Reuse Guide may be useful tools to reduce per capita water demand. Both can be found on the Water Supply Planning section of the Council's website.

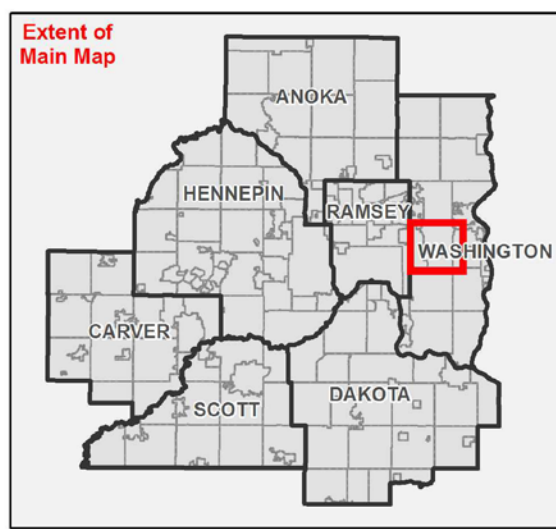
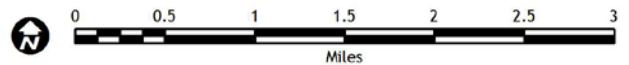
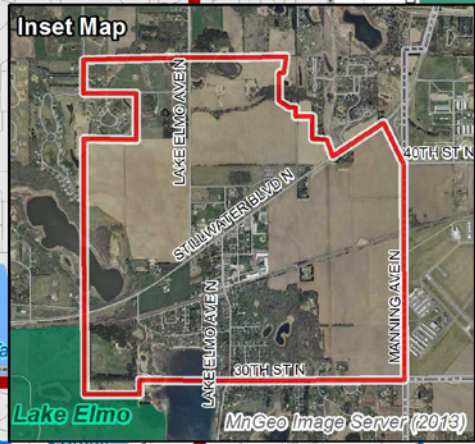
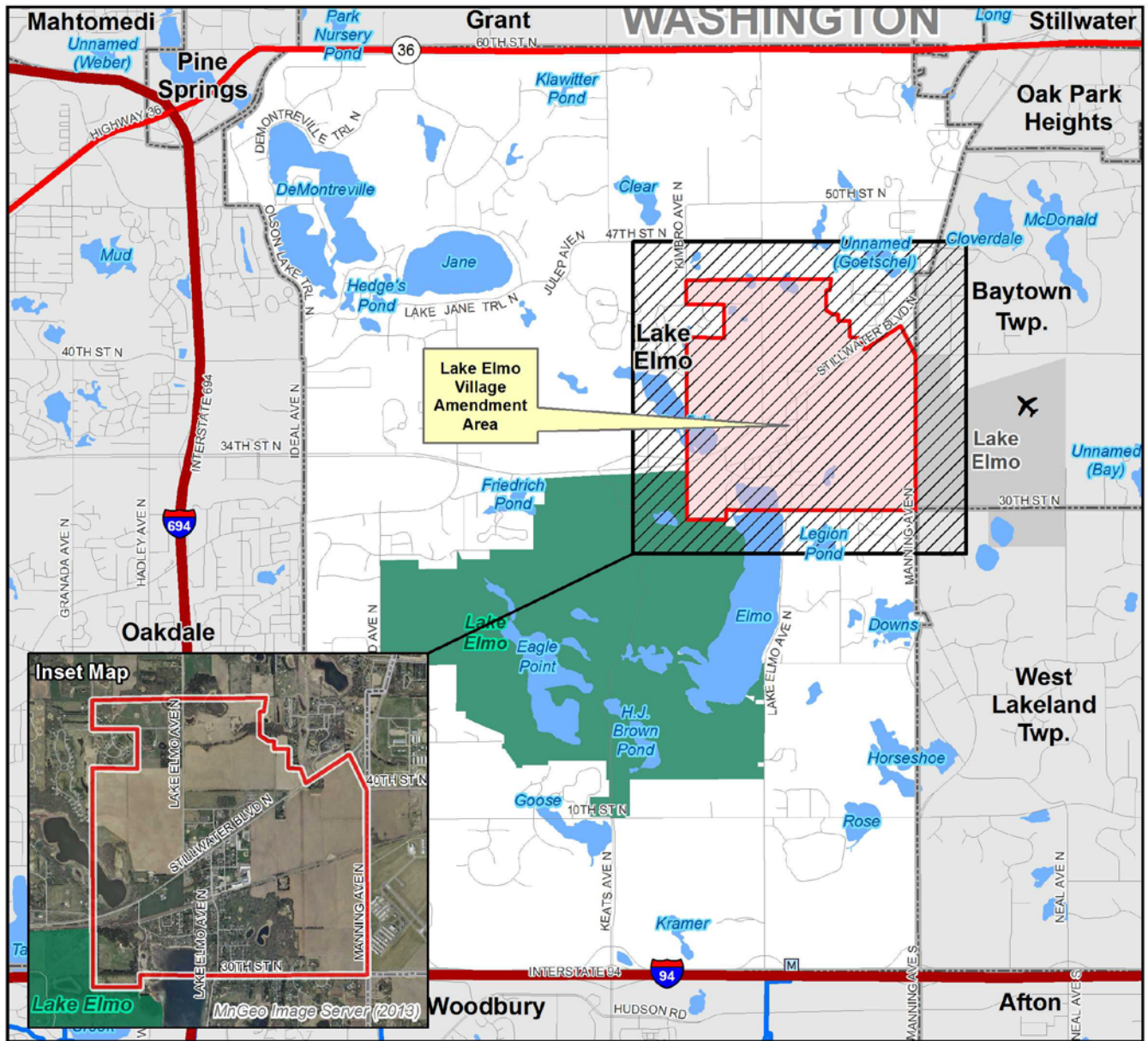
### [Compatibility with Plans of Adjacent Governmental Units and Plans of Affected Special Districts and School Districts](#)

The proposed CPA is compatible with the plans of adjacent jurisdictions, with continued collaboration on land issues related to the safety zone requirements for Lake Elmo Airport, as discussed in the Transportation section in the body of this report. No other compatibility issues with plans of adjacent governmental units and plans of affected special districts and school districts were identified.

## **ATTACHMENTS**

- Figure 1: Lake Elmo Comprehensive Plan Amendment Area
- Figure 2: Existing Planned Land Use
- Figure 3: Proposed Planned Land Use

Figure 1: Lake Elmo Comprehensive Plan Amendment Area



**Regional Systems**

**Transportation**

- Interstates
- US Highways
- State Highways
- County Roads

**Wastewater Services**

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

**Recreation Open Space**

- Park Reserve
- Regional Park
- Special Recreation Feature

**Regional Trails**

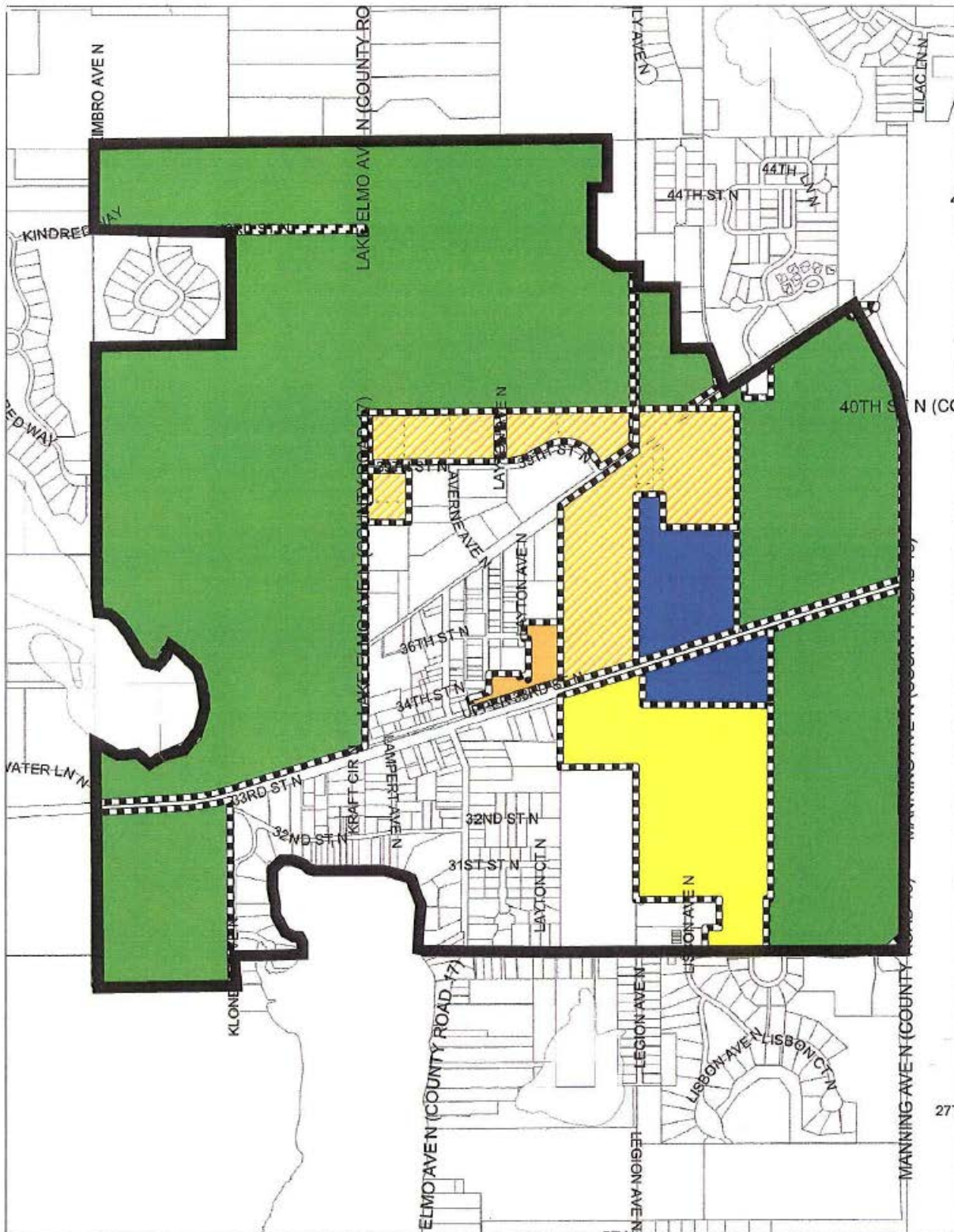
- STATUS**
- Existing
  - Planned

- Airports

— Ncompass Street Centerlines, 2013



Figure 2: Existing Planned Land Use



**PRELIMINARY VILLAGE AREA  
FUTURE LAND USE**  
Lake Elmo Comprehensive Plan 2005 - 2030

**Limitation of Liability**  
This document is not a legally recorded map or survey and is not intended to be used as one. This map is a compilation of records and information from various state, county, and city offices, and other sources.

Map Date: January 31, 2006  
Created By: TKDA  
ENVIRO ARCHITECTS PLANNERS

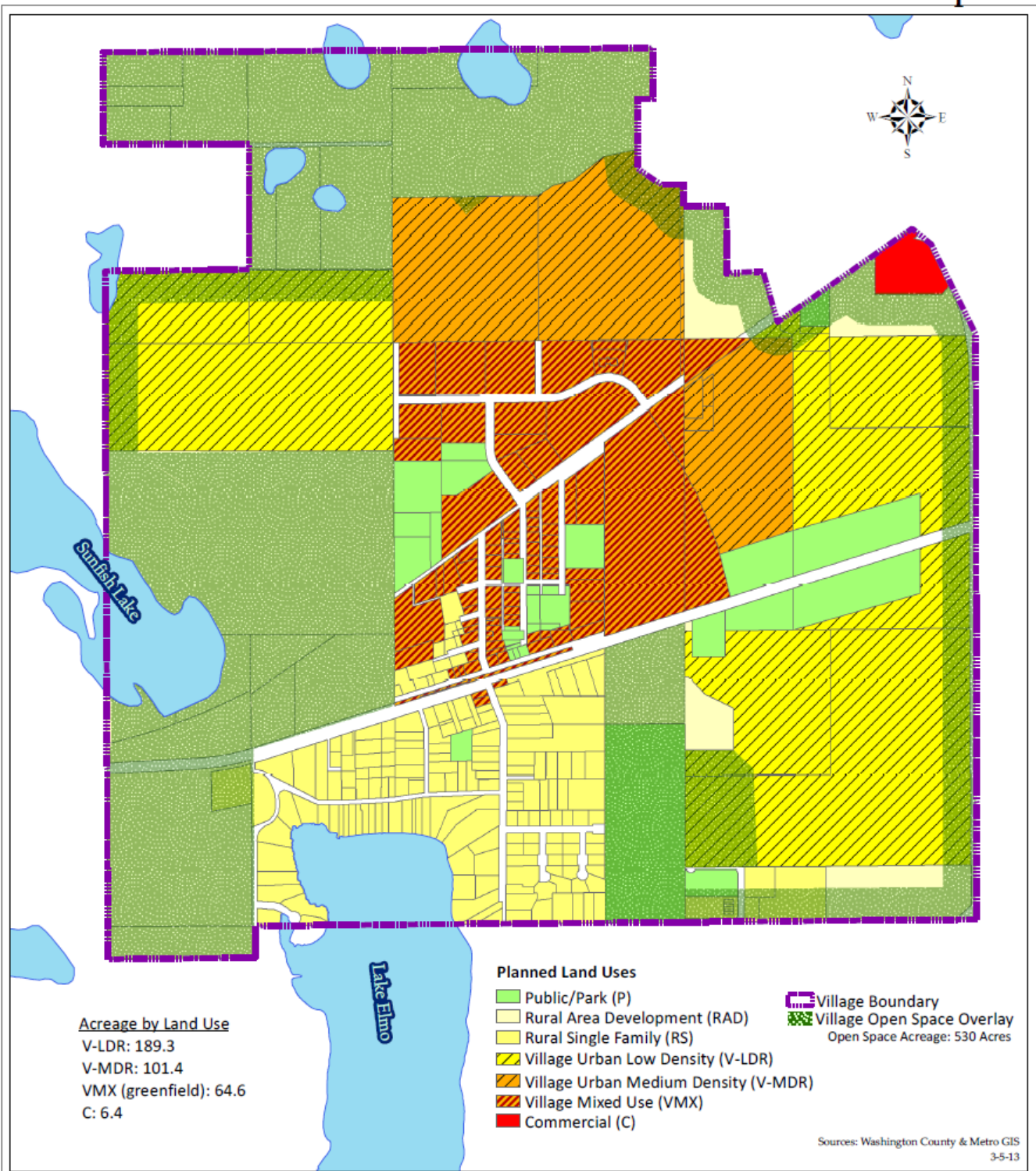
**Legend**

**Land Use**

- VR-HD
- VR-MUMD
- VR-LD
- VR-GB
- VR-PIS

0 200 400 800 1,200  
Feet

Figure 3: Proposed Planned Land Use



**Village Planned Land Use**  
 Lake Elmo Comprehensive Plan 2030



Figure 4: Lake Elmo Regional Airport Runway Protection and Safety Zones

