

Community Development Committee

Meeting date: November 4, 2019

Environment Committee

Meeting date: November 12, 2019

For the Metropolitan Council meeting of December 11, 2019

Subject: City of Oak Park Heights 2040 Comprehensive Plan and Comprehensive Sewer Plan, Review File 22079-1

District(s), Member(s): District 12, Francisco J. Gonzalez

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

Staff Prepared/Presented: Corrin Wendell, Senior Planner (651-602-1832)
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 Oak Park Heights to place its 2040 Comprehensive Plan into effect.
2. Revise the City's forecasts downward as shown in Table 1 of the attached Review Record.
3. Advise the City to implement the advisory comments in the Review Record for Transit.

Recommendation of the Environment Committee

1. Approve the City of Oak Park Heights's Comprehensive Sewer Plan.

Advisory Comments

The following Advisory Comments are part of the Council action authorizing the City of Oak Park Heights 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. 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 Oak Park Heights is located in east-central Washington County. It is surrounded by the communities of Stillwater, Bayport, Baytown Township, Lake Elmo, and Stillwater Township.

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, with proposed revisions
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

None.

Known Support / Opposition

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

REVIEW RECORD

City of Oak Park Heights 2040 Comprehensive Plan

Review File No. 22079-1, Business Item No. 2019-308 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 is the Park implementing agency for the Regional Parks System components in the City of Oak Park Heights, for which the Plan accurately describes the Regional Parks System components. Regional Trails located within the City include the Middle St. Croix Valley Regional Trail Search Corridor. There are no State or Federal recreation lands within the City (Figure 1).

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). 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, except as detailed below.

Roadways

The Plan conforms to the Roadways system element of the TPP. The Plan accurately accounts for the metropolitan highway system of principal arterials. 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 is 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 Areas III and V.

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 Areas.

Aviation

The Plan conforms to Aviation system element of the TPP. The Plan includes policies that protect regional airspace from obstructions.

Bicycling and Walking

The Plan is consistent with the Bicycle 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 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.

Advisory Comment

On page 109, there is an error that should be corrected in the description of bus service. The Plan states: "The commuter service is only available on weekends but Metro Mobility/ADA provides weekend service." The commuter service is only available on *weekdays*.

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.

Wastewater treatment services are provided to the City by Metropolitan Council Environmental Services. All wastewater generated within the City is conveyed through Council Interceptors 7131-1 and 9101. All flow is treated at the Council's St. Croix Valley Wastewater Treatment Plant in Oak Park Heights. The Plan projects that the City will have 2,590 sewered households and 5,500 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 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 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 goals, policies, and strategies for preventing and reducing excessive inflow and infiltration (I/I) mostly focused on the local municipal (public) collection system including a summary of activities and programs intended to identify and mitigate I/I from public infrastructure sources. These activities include routine review of wastewater flow data, televised inspection of the City's sanitary

sewer collection system, inspection of MH structures, and noting potential sources of I/I from private property services during the televised inspection of the public system. Many of these activities are coordinated with City street rehabilitation projects.

The Plan describes the requirements and standards for minimizing I/I and references City Code Section 1001.215 that make it unlawful for any owner, occupant, or user of residential or commercial property to direct into, or allow, any stormwater, surface water, ground water, well water, or air conditioner condensate, either directly or through sump pumps, rain leaders or foundations drains, to be discharged into the sanitary sewer system. The Plan does not specifically state that if discovered, disconnection of non-compliant discharges is required.

The Plan describes the sources, extent, and significance of existing I/I within the entire wastewater collection system and provides a description of an implementation plan for preventing and eliminating excessive I/I from the municipal sewer system. The Plan states that approximately 20% of the residential homes were constructed prior to 1970 when private service laterals were predominately vitrified clay tile pipe. By comparing wastewater flow generation volumes between winter and summer months, the City has determined that approximately 11% of the City's annual base flow is from I/I, and by using the last significant peak month flow that occurred in July 2013, the City has estimated that peak month flow includes approximately 35% I/I from monthly base flow.

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 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 WRPP for local surface water management. The Plan satisfies the requirements for 2040 comprehensive plans. Oak Park Heights lies within the oversight boundaries of the Middle Saint Croix Watershed Management Organization (WMO), and the Valley Branch and Browns Creek Watershed Districts.

Oak Park Heights submitted a draft Local Water Management Plan (LWMP) update in September 2018. Council Water Resources staff reviewed and commented on the draft LWMP to the City and Watersheds in a letter dated September 12, 2018. The LWMP was approved by the Middle Saint Croix WMO on November 8, 2018, the Valley Branch Watershed District on August 23, 2018, and the Browns Creek Watershed District on September 12, 2018. The LWMP was adopted by the City on January 22, 2019. The Plan incorporates the City's final adopted LWMP as an Appendix.

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 provides forecasts for Oak Park Heights. In October 2018, Council staff and the City's planner agreed on a revised employment forecast, reflecting an expectation of limited commercial land supply and potential for additional employment. Council and City staff agree to the following revised employment forecast shown in Table 1 below.

Table 1. City of Oak Park Heights Forecasts

	Census 2010	Estimated 2017	Council's System Statement			Revised Forecast		
			2020	2030	2040	2020	2030	2040
Population	4,445	4,742	4,880	5,300	5,700	4,880	5,300	5,700
Households	1,911	2,257	2,200	2,420	2,600	2,200	2,420	2,600
Employment	4,358	4,494	5,900	6,800	7,500	<u>4,600</u>	<u>5,100</u>	<u>5,500</u>

The Council will approve the revised forecast, simultaneous with action on the Plan.

The Council requires the Plan to address how land supply for future development (or redevelopment) accommodates the City’s growth forecast. The planned land use table in the Land Use Chapter of the Plan describes additions of new land supply: 12 acres of low-density and 29 acres of “residential/business transitional”. The City projects that this land supply could accommodate 444 housing units at the mid-point of allowed density ranges. Also the City is guiding additional land for an 8% increase in the amount of business, commercial, and industrial land. Considering some current underutilization, Oak Park Heights worksites can accommodate the growth forecast.

Thrive MSP 2040 and Land Use

Reviewer: Corrin Wendell, CD – Local Planning Assistance (651-602-1832)

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 those that saw their primary era of development during the 1980s and early 1990s and typically have automobile-oriented development patterns at significantly lower densities than in previous eras.

As shown in Figure 3 of this report, the Existing Land Use development pattern includes majority of Residential Land Uses (19%) and Commercial and Industrial Land Uses (21%), and Vacant (8.6%). The next two largest land uses are Water and Park Facilities and Open Space.

Suburban communities are expected to plan for forecasted population and household growth at overall average densities of at least five units per acre. 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 Plan is consistent with *Thrive* for land use and residential density policies for a Suburban community designation. Table 2 below shows the two land use categories where the City expects new or redevelopment to occur, Low Density Residential and Residential/Business Transitional. The density analysis shows an overall planned residential density for the City at 5.95 units per acre, exceeding the required average density of 5 units per acre.

Table 2. Planned Residential Density, City of Oak Park Heights

Category	2018-2040 Change				
	Density			Min Units	Max Units
	Min	Max	Net Acres		
Low Density Residential	1	3	12	12	36
Residential/Business Transitional	8	32	29	232	622
TOTALS			41	244	658
			Overall Density	5.95	16.05

As shown in Figure 4, the City is planning to accommodate growth across the community in areas identified as “Development Areas.” Development Areas guided for Low Density are scattered throughout the City, while Residential/Business Transitional areas are located generally within the Highway 36 corridor and along Osgood Avenue and allow for high density residential. The City plans to support forecasted employment growth through the development of existing vacant sites within the Commercial and Highway Business land use categories.

Orderly Annexation

The Plan contains annexation policies consistent with their 2030 Comprehensive Plan. The Plan acknowledges that the City will not aggressively pursue areas of annexation from the Townships or detachment/annexation from one of the adjoining cities.

As part of the planning process, the City has identified one area of approximately 320 acres that potentially could become part of the City in the next 20 years located on the western city boundary along Highway 36 and Manning Avenue. The property is identified in the Future Annexation Plan, found within the Plan. The City would consider this area for annexation if petitioned by the property owners and if the affected jurisdiction is willing to detach the property.

Housing

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

The Plan is consistent with the 2040 Housing Policy Plan. As of 2016, the City currently has more than 2,300 homes including 1,250 multifamily units and nearly 1,100 single-family homes. More than 1,000 homes are rented. Over 1,500 housing units are currently affordable to households earning under 80% of Area Median Income (AMI), however, nearly 630 households earning 80% of AMI or below are paying more than 30% of their income toward housing costs. There are 245 units affordable to households with income at or below 30% AMI and more than 200 cost burdened households with incomes at or below 30% AMI.

The Plan identifies existing housing needs including affordable senior housing, housing maintenance and rehabilitation, and meeting the allocation of affordable housing need. The City is currently home to 70 publicly subsidized units, including 62 that are age restricted for seniors.

The Plan acknowledges the 2021-2030 affordable housing need allocation of 74 units; 33 of which are needed at prices affordable to households earning 30% of AMI or less, 11 of which are needed at prices affordable to households earning between 31 and 50% of AMI, and 30 of which are needed at prices affordable to households earning between 51 and 80% of AMI. As shown in Figure 5, the Plan guides sufficient land expected to develop in the 2021-2030 time period at a minimum of eight units per acre to allow for development of at least 232 new housing units.

The housing implementation plan component of the Plan describes that the City will consider tax increment financing (TIF) for projects that provide senior or affordable units. The Plan also indicates that the City will work with the Washington County CDA to accomplish many of their housing goals, including housing bonds, site assembly, and technical assistance referrals. The City states that they will use work with the Washington County CDA to sponsor an application for LCA programs, and support applications to Minnesota Housing’s RFP. The City will consider creating a 4d tax program and consider creating a Housing Improvement Area to assist in the maintenance of older townhomes.

Water Supply

Reviewer: Brian Davis, ES – Water Supply Planning (651-602-1519)

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.

Oak Park Heights prepared a Local Water Supply Plan in 2017 that was submitted to both the MN Department of Natural Resources and Metropolitan Council and reviewed under separate cover. The LWSP was considered complete on July 6, 2017 and a review letter was sent to the DNR on that date.

Community and Subsurface Sewage Treatment Systems (SSTS)

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

The Plan indicates that the only Community Wastewater Treatment facility in the City is the publicly owned MCES Saint Croix Valley Wastewater Treatment Facility. There are nine households in the City that continue to be served by individual SSTS. The City has adopted the Washington County SSTS Code for regulation of specifications, installation, and maintenance of SSTS, and turned over all maintenance management oversight of existing systems to the County. The Washington County SSTS Ordinance No. 206 is consistent with Minnesota Pollution Control Agency Chapter 7080-7083 Rules and Council WRPP requirements.

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 indicates, consistent with the Council's aggregate resources inventory information contained in *Minnesota Geological Survey Information Circular 46*, that while there are several small isolated sand and gravel deposits in the City, none are believed to be of sufficient size to be economically viable for mining in the nearly fully urbanized community.

Historic Preservation

Reviewer: Corrin Wendell, CD – Local Planning Assistance (651-602-1832)

The Plan appropriately addresses historic preservation within the City. The Plan identifies that the City will continue to review and modify, as necessary, the ordinances as they relate to the preservation of significant historic resources.

Plan Implementation

Reviewer: Corrin Wendell, CD – Local Planning Assistance (651-602-1832)

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

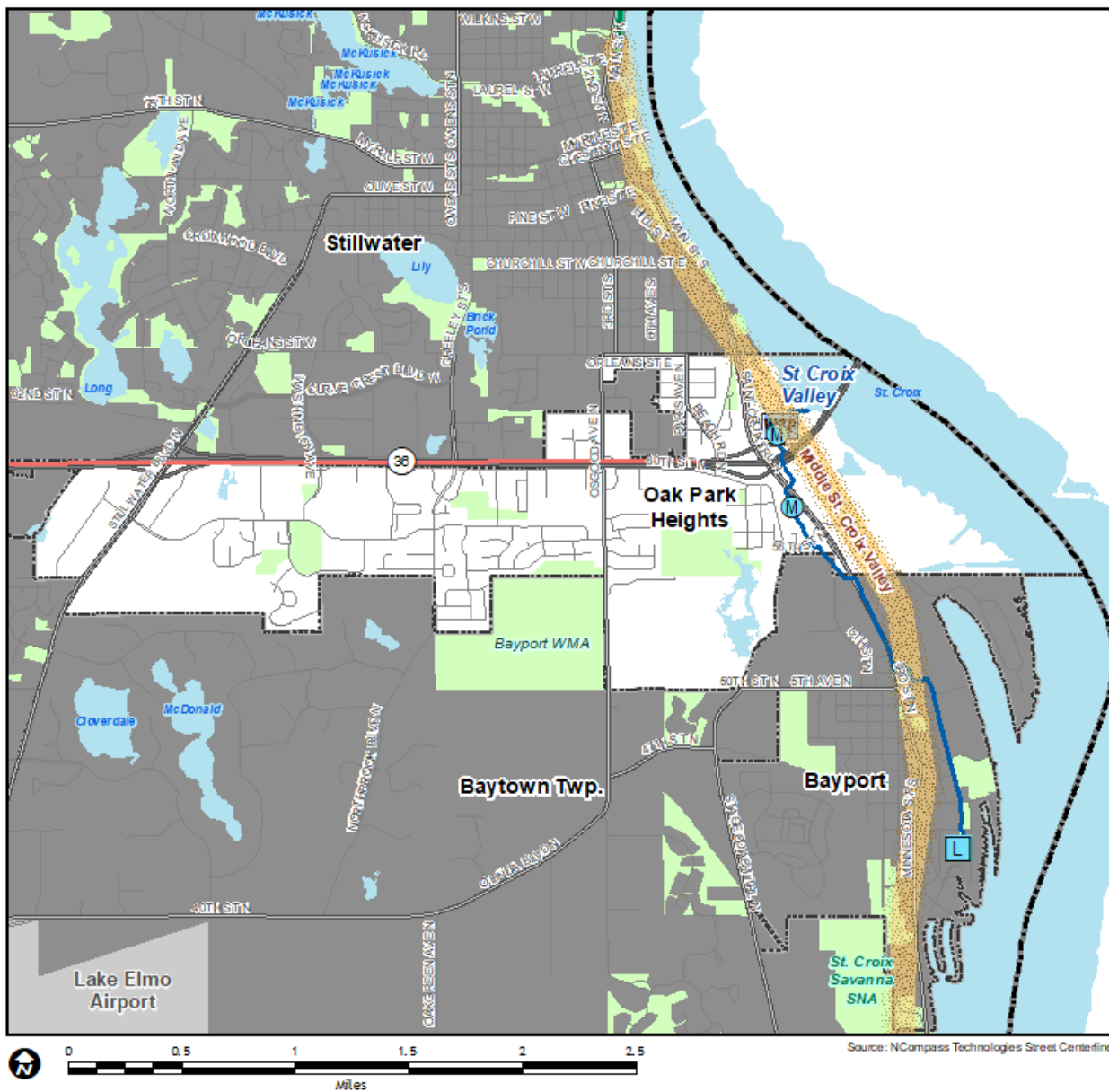
In response to the 2015 System Statement, the City submitted the following documents for review:

- September 12, 2018: Oak Park Heights 2040 Preliminary Plan
- March 6, 2019: Oak Park Heights 2040 Comprehensive Plan
- August 27, 2019: Revised 2040 Comprehensive Plan
- September 11, 2019: Oak Park Heights Comprehensive Sewer Plan
- October 2, 2019: Revised Comprehensive Sewer Plan

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 5: Land Guided for Affordable Housing

Figure 1. Location Map with Regional Systems



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
- STP MCES Treatment Plants

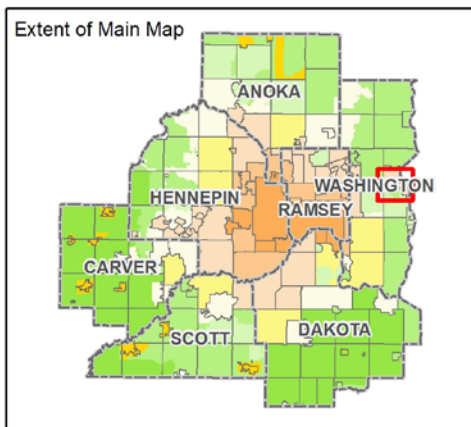
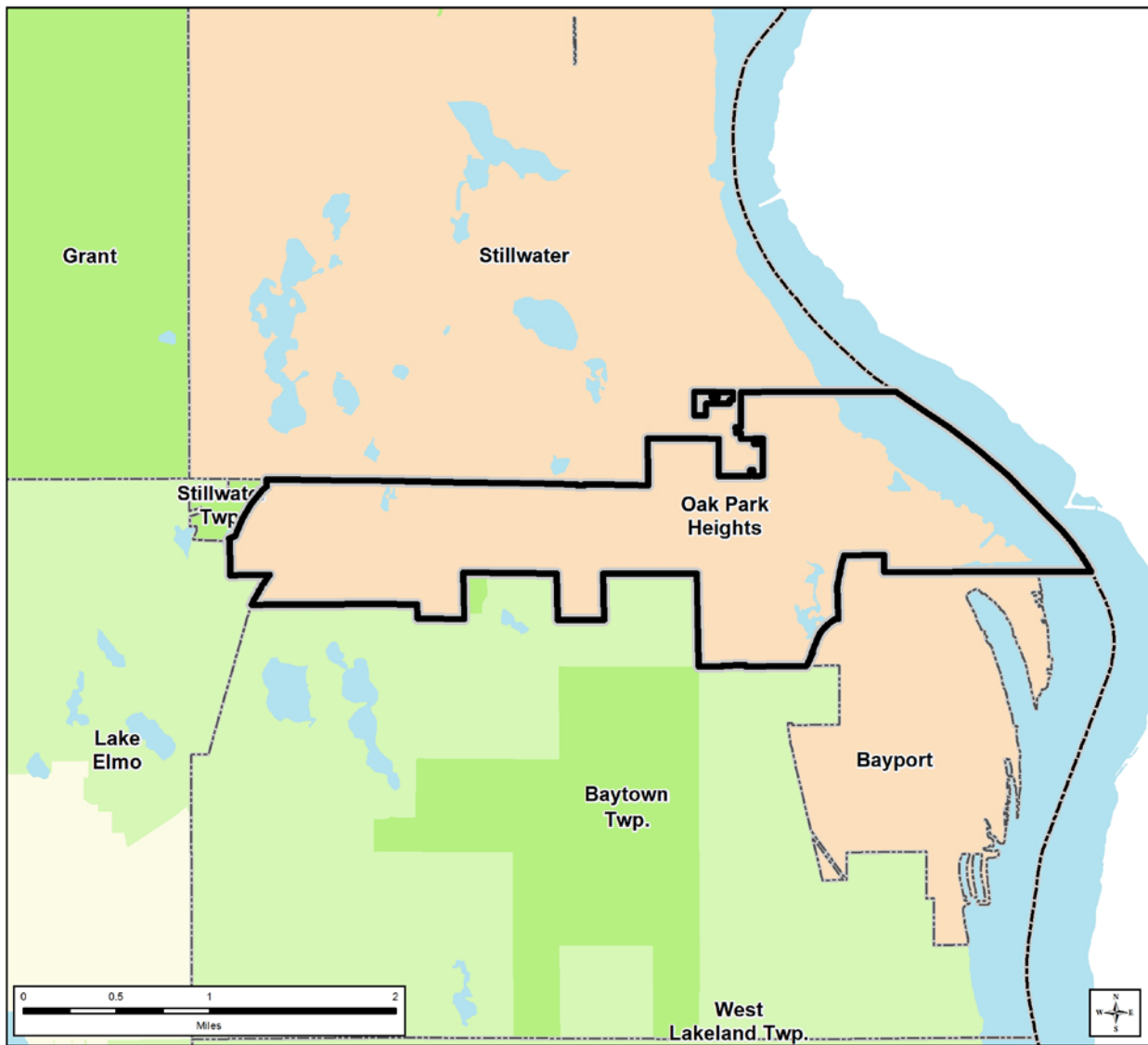
Regional Park Search Areas and Regional Trail Search Corridors

- 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

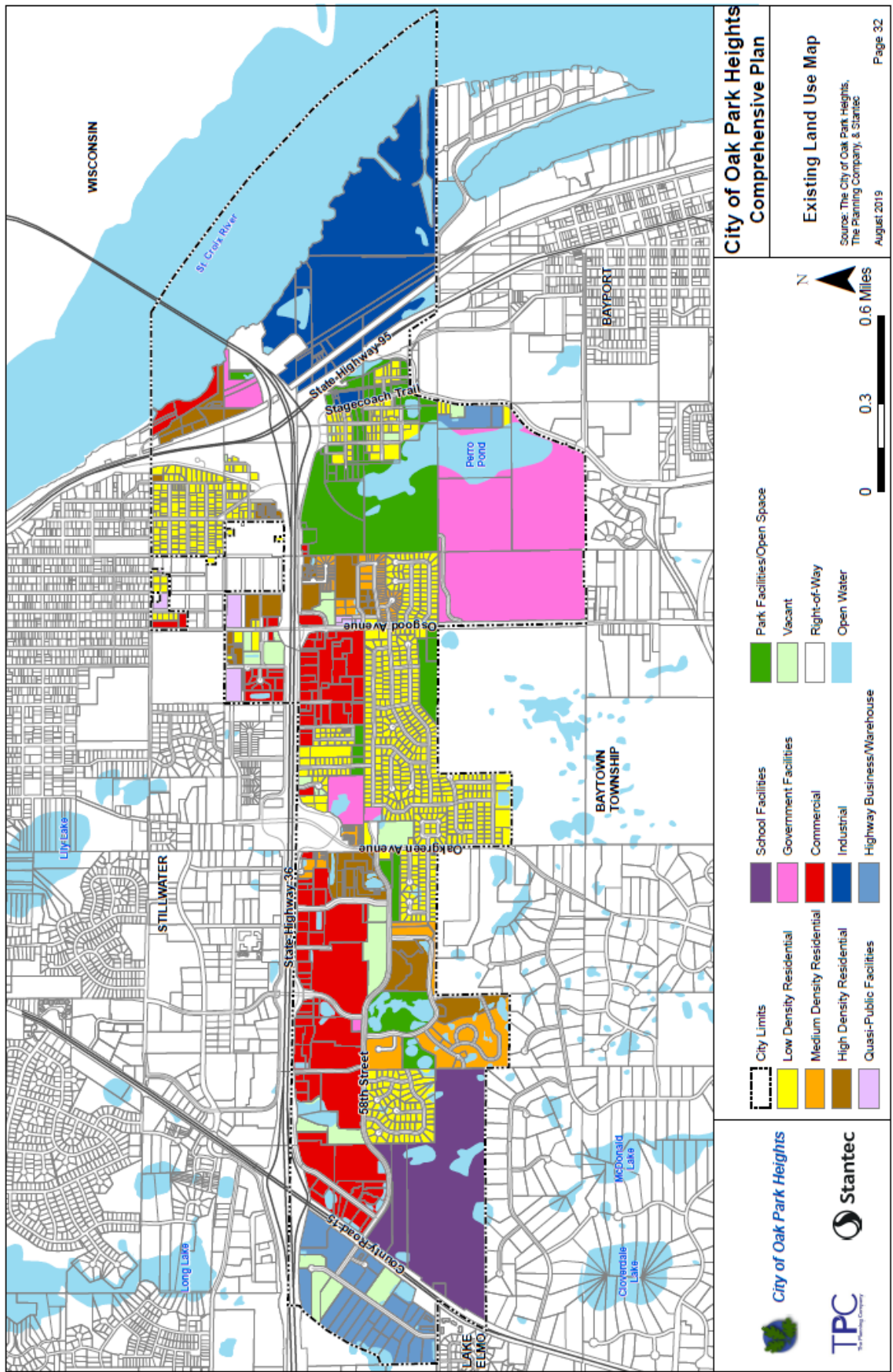


Figure 4. 2040 Planned Land Use

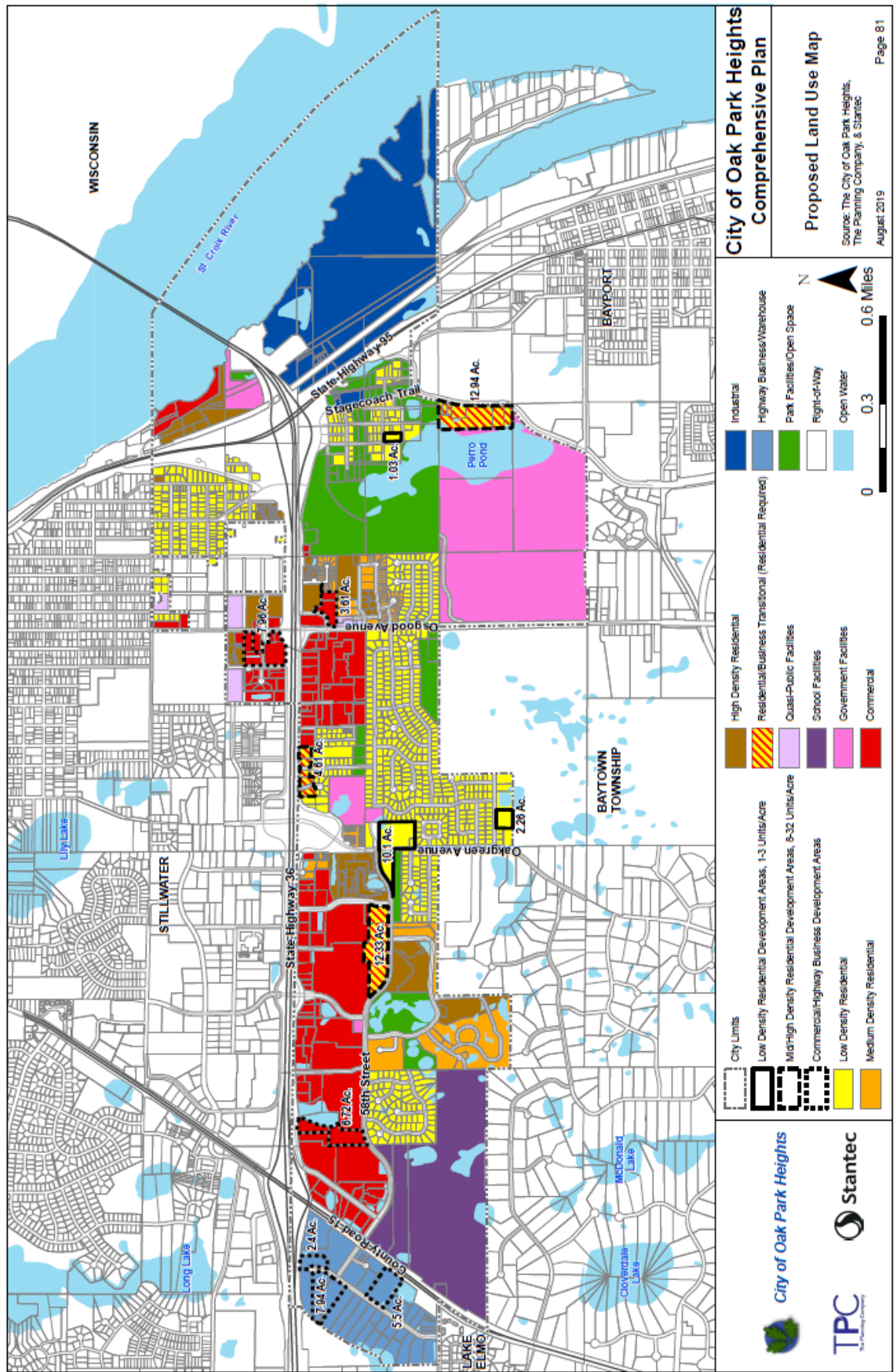


Figure 5. Land Guided for Affordable Housing