Metropolitan Council

Business Item

Environment Committee



Environment Committee Date: August 23, 2022 For the Metropolitan Council: September 14, 2022

Community Development Committee Meeting Date: August 15, 2022

Business Item: 2022-229 JT

City of Bayport 2040 Comprehensive Plan and Comprehensive Sewer Plan, Review File 22164-1

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: Raya Esmaeili, Senior Planner (651-602-1616)

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(651-602-1566)

Kyle Colvin, Wastewater Planning and Community Programs Manager

(651-602-1151)

Division/Department: 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 Bayport 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. Revise the City's affordable housing need allocation for 2021-2030 to 7 units.
- 4. Advise the City to implement the advisory comments in the Review Record for Forecasts.

Recommendation of the Environment Committee

- 1. Approve the City of Bayport's Comprehensive Sewer Plan.
- The sewered forecasts in the Comprehensive Sewer Plan need to be revised for consistency
 with the revised citywide forecasts in the land use section of the Plan and as outlined in the
 Wastewater Section of this Review Record. The correct forecasts must be included in the
 Comprehensive Sewer Plan as part of the final submittal to the Council.

Advisory Comments

The following Advisory Comments are part of the Council action authorizing the City of Bayport 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

- 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 Bayport is located in eastern Washington County. It is surrounded by the communities of the Oak Park Heights and Baytown 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	Thrive MSP 2040 and Land Use	Consistent
Consistency with Council Policy	Forecasts	Consistent, with revisions
Consistency with Council Policy	2040 Housing Policy Plan	Consistent, with revisions
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 \$32,000 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 Bayport 2040 Comprehensive Plan

Review File No. 22164-1, Business Item No. 2022-229 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. Washington County is the Park implementing agency for Regional Parks System components in the City, for which the Plan accurately describes Regional Parks System components. Regional Trails located within the City include the Middle St. Croix Valley Regional Trail Search Corridor. The Plan also appropriately acknowledges State recreation lands within the City, including the St. Croix Savanna Scientific and Natural Area (Minnesota Department of Natural Resources) (Figure 1).

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 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. The Plan identifies roadway and corridor studies that include recommendations regarding alignments, changes in access, and/or changes in land use, which includes the Washington County 2040 Transportation Plan.

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 a Freestanding Town Center. 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. Bayport is not in an influence area of a regional airport. The Plan includes policies that protect regional airspace from obstructions.

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. There is one Tier 2 alignment (State Highway 95) and one Tier 2 corridor (CSAH 21) within the city boundaries. The Plan is also consistent with Bicycle and Pedestrian policies of the TPP by planning for local pedestrian and bicycle connections to regional trails, regional job concentrations, and other regional destinations.

Freight

The Plan is consistent with Freight policies of the TPP. The City identifies a major rail line and truck freight movements. There are no identified freight needs in this Plan outside of coordination with major freight generators.

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 City's Community Designation.

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 accepted 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 to and treated at the Metropolitan Council's St. Croix Valley Wastewater Treatment Plant located in Oak Park Heights. The city is provided wastewater conveyance service through interceptor 9101. The Plan reflects that the city will have 1,049 sewered households and 4,600 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 average day flow projections was not provided in the Plan. However, given the minor growth projected to occur within the city, and the fact that the flow projections that were provided reflected very small increases, the flow projections appear to be appropriate for planning local service needs. 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 policies and strategies for preventing and reducing excessive inflow and infiltration (I/I) in both the local municipal (city) and private sanitary sewer collection systems. The Plan summarizes the City's past efforts to study and mitigate I/I beginning in 2004. Much of the initial work was related to eliminating sources related to high river elevations during flooding of the St. Croix River. Most of the early efforts focused on pipe lining, spot repairs, and maintenance hole structure repairs on the public system. In 2011, the City installed a dedicated storm sewer line for specific I/I sump pump connections that were unlawfully connected to the sanitary sewer system. The Plan states that new focus will likely be on private lateral connections, especially on a few identified commercial properties that have been shown to be impacted by high river elevations. The Plan describes an I/I work plan that includes public education related to flood related I/I

sources, and system maintenance and inspection. By policy, one-third of the City's sanitary sewer system is cleaned annually, and its mains televised as needed.

The Plan describes the requirements and standards for minimizing I/I and references Chapter 58 "Utilities" of the City's Code of Ordinances which prohibits the discharge of any clear water from roof, ground surface, subsurface drainage, down spout rainspout, yard drain, sump pump, foundation drain, swimming pool, or cistern overflow into the sewer system. The Plan did not specify the required disconnection of any connections that are found to be in violation of the ordinance.

The Plan describes the sources, extent, and significance of existing I/I within the entire public and private wastewater collection system and provides a description of an implementation plan for preventing and eliminating excessive I/I from entering the public and private property collection systems. The Plan indicates that approximately 62% of the homes within the city were built before 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. Using wastewater flow data corresponding to recent St. Croix River flooding events, and summer storm events, daily peak flow I/I was approximately 64% and 30% respectively.

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 polices. 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 sewered forecasts in the Comprehensive Sewer Plan are inconsistent with the citywide forecasts that are presented in the land use section. Citywide total forecasts were revised, and the Comprehensive Sewer Plan does not reflect the revised assigned household forecasts. The forecasts in the Comprehensive Sewer Plan need to be revised so that they are consistent throughout the entire Plan. The following sewered household forecasts need to be included in the Comprehensive Sewer Plan as part of the final submittal to the Council after the authorized 2040 Plan is adopted by the city.

	Sewered Households	SSTS'	Total Citywide
2020	990	40	1,030
2030	1,010	40	1,050
2040	1,049	21	1,070

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. Bayport is located within the oversight boundaries of the Middle St. Croix Watershed Management Organization (WMO). Bayport submitted a draft Local Water Management Plan (LWMP) to the Council in September 2018. Council Water Resources staff reviewed and commented on the draft LWMP update to the City and Watershed in a letter dated October 15, 2018. The WMO approved the LWMP on December 13, 2018, and the City adopted the final LWMP on March 4, 2019. The Plan incorporates the City's final LWMP in 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 City proposed revised forecasts in materials submitted in June 2022. City and Council staff have discussed the forecast reduction two years ago. Subsequently, in January 2022, Council staff recommended a population series starting from the 2020 Census count, which the City did not respond to. While Council staff believe that the population forecast should be 120 persons higher for each timepoint, staff find the City's current proposal acceptable as shown in Table 1 below (changes underlined).

Table 1. City of Bayport Forecasts

	Census	Council Forecasts			Revised Forecasts			
	2010	2020	2030	2040	2020	2030	2040	
Population	4,024	3,970	4,340	4,640	3,890	3,930	3,980	
Households	1,038	1,100	1,220	1,300	1,030	<u>1,050</u>	<u>1,070</u>	
Employment	4,226	4,200	4,400	4,600	4,200	4,400	4,600	

With this forecast revision, the 2021-2030 Affordable Housing Need for Bayport will change to 4 units at or below 30% Area Median Income (AMI), 2 units at 31-50% AMI, and 1 unit at 51-80% AMI, for a total of 7 affordable units.

Advisory Comments

- The final adopted Plan needs to reflect the recalculated Affordable Housing Need and correct the information on page 25 of the Plan.
- The final adopted Plan needs to include the revised forecast anywhere the forecast information is presented, specifically the sewer-serviced forecast table on page 42.

Thrive MSP 2040 and Land Use

Reviewer: Raya Esmaeili, CD – Local Planning Assistance (651-602-1616)
The Plan is consistent with *Thrive MSP 2040* (Thrive) and its land use policies. The Plan acknowledges the Thrive community designation of Suburban (Figure 2). Thrive communities are 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. 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 the City are predominately residential (31%) and natural features (31%). Most of the existing commercial (5%) and industrial areas (11%) are near and adjacent to main transportation corridors. Approximately 13% of the City is institutional and 8% is park and open space (Figure 3).

The City is fully developed and the future land uses follow the existing land use guiding pattern. There only remains 0.34 acres of undeveloped land in the city, which is guided for High Density Residential. There is an additional 2.86 acres along Trunk Highway 95 that is identified for multifamily redevelopment. The City plans to accommodate its minimal growth through guiding these available acres as High Density Residential (Table 2). The City's goals in its land use plan focus on maintaining single family units as the primary development, locating multifamily developments adjacent to commercial areas, promoting a range of uses within the downtown, and ensuring employment through local commercial and industrial sites.

As shown in Table 2 below, the City's overall minimum net density of development and redevelopment is 8.0 units per acre, which is consistent with Thrive for land use and residential density policies for a Suburban community.

2020-2040 Change

	Density				
Category	Min	Max	Net Acres	Min Units	Max Units
High Density Residential	8	43	3.2	26	138
	TOTALS		3.2	26	138
	Overall Density		8.0	43.0	

Housing

Reviewer: Ashleigh Johnson, CD – Housing (651-602-1106)

The Plan is consistent with the *Housing Policy Plan* (HPP). As of 2016, Bayport has 997 homes, including 181 multifamily units and nearly 820 single-family homes. Approximately 270 homes are rented. More than 720 housing units are currently affordable to households earning under 80% of Area Median Income (AMI), however, over 200 households earning 80% of AMI or below are paying more than 30% of their income toward housing costs. There are about 50 units affordable to households with income at or below 30% AMI, almost matching the number of cost burdened households at that income level. Bayport does not currently have any publicly subsidized housing.

The Plan acknowledges the 2021-2030 affordable housing need allocation of 7 units; 4 of which are needed at prices affordable to households earning 30% of AMI or less, 2 of which are needed at prices affordable to households earning between 31 and 50% of AMI, and 1 of which is 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 26 new housing units.

The housing implementation plan component of the Plan describes that the City works in collaboration with many different organizations to meet their needs, including the Washington County CDA.

Water Supply

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

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 prepared a Local Water Supply Plan (LWSP) that was submitted to the Minnesota Department of Natural Resources (DNR) in 2018, reviewed by the Metropolitan Council and DNR, and approved in 2019.

Community and Individual Subsurface Sewage Treatment Systems (SSTS)

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

The Plan is in conformance with the WRPP. It indicates that there are 40 residential SSTS' and no community or privately-owned wastewater treatment systems within the city. The Plan states that the city prohibits the construction of new SSTS' if sewer is available and requires the connection to the municipal sewer system. The city has deferred all program oversight and maintenance management responsibilities to Washington County. The County SSTS program and Development Code Chapter 4 are consistent with Minnesota Pollution Control Agency Chapter 7080-7083 Rules and Council 2040 WRPP requirements.

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 identifies, consistent with the Council's aggregate resources inventory information contained in *Minnesota Geological Survey Information Circular 46*, the presence of viable aggregate resources within the City. Most remaining aggregate resources however are on small discontinuous parcels that are overlain by a conservation development and surrounding lands dominated by high-value surficial natural resources that are protected by conservation easements.

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. It includes information about the existing historic sites in the city and provides policies on preservation of these resources. The Plan also identifies the Washington County Historical Society as a resource.

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:

- December 26, 2018: Bayport 2040 Comprehensive Plan
- December 19, 2019: Revised comprehensive plan responding to Council incomplete items for transportation, wastewater, regional parks, forecasts, land use, solar access protection and development, housing, implementation, surface water, and water supply.
- December 23, 2019: Updated TAZ information
- January 29, 2020: Revised wastewater information
- January 3, 2022: Revised comprehensive plan responding to Council incomplete items for forecasts, solar access protection and development, land use, housing, wastewater, and implementation.
- May 5, 2022: Revised 2040 Comprehensive Plan
- June 7, 2022: Revised 2040 Comprehensive Plan responding to Council incomplete items for wastewater, land use, housing, and implementation.
- June 27, 2022: Request for extension
- June 30, 2022: Revised 2040 Comprehensive Plan

Attachments

Figure 1: Location Map with Regional Systems

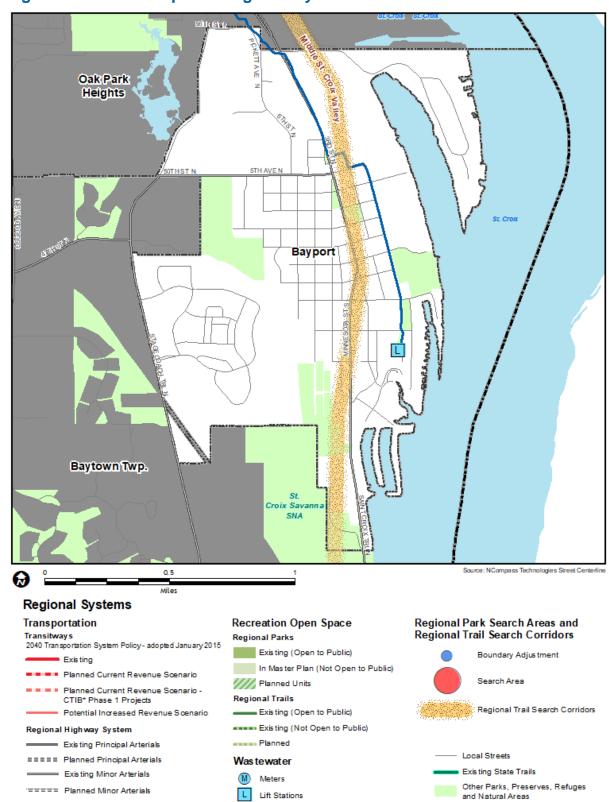
Figure 2: Figure 3: Figure 4: Figure 5: Thrive MSP 2040 Community Designations 2016 Generalized Land Use 2040 Future Land Use

Land Guided for Affordable Housing

Existing Other Arterials

---- Planned Other Arterials

Figure 1. Location Map with Regional Systems



MCES Interceptors

MCES Treatment Plants

* Counties Transit Improvement Board (CTIB)

Figure 2. Thrive MSP 2040 Community Designations

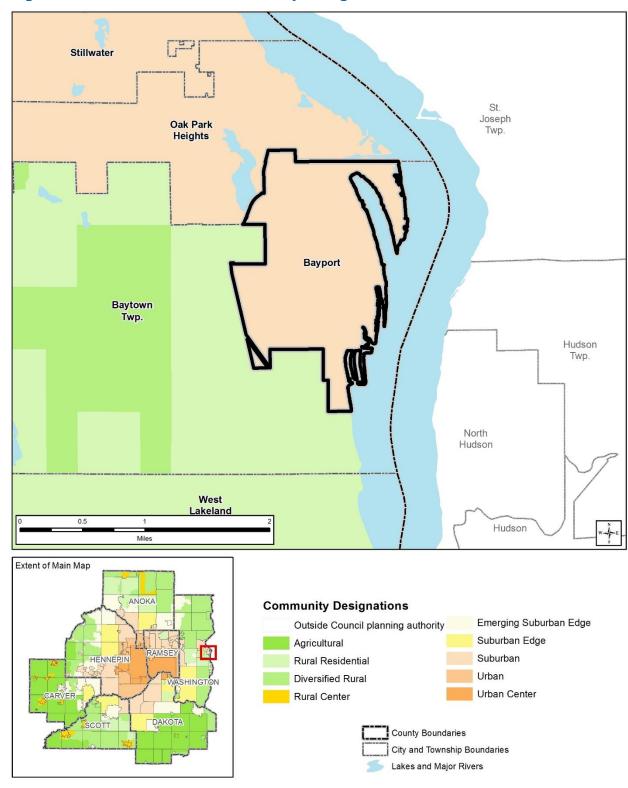
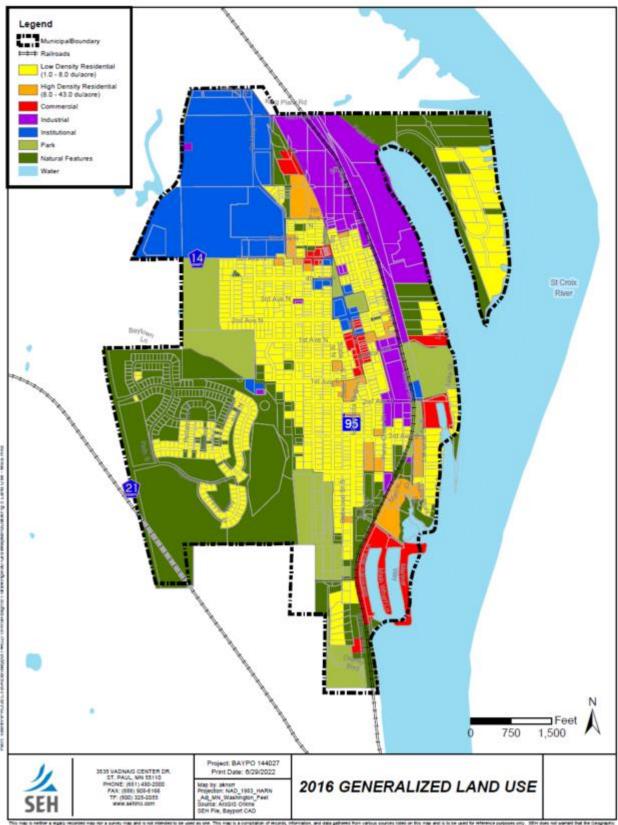


Figure 3. 2016 Generalized Land Use



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Figure 4. 2040 Future Land Use

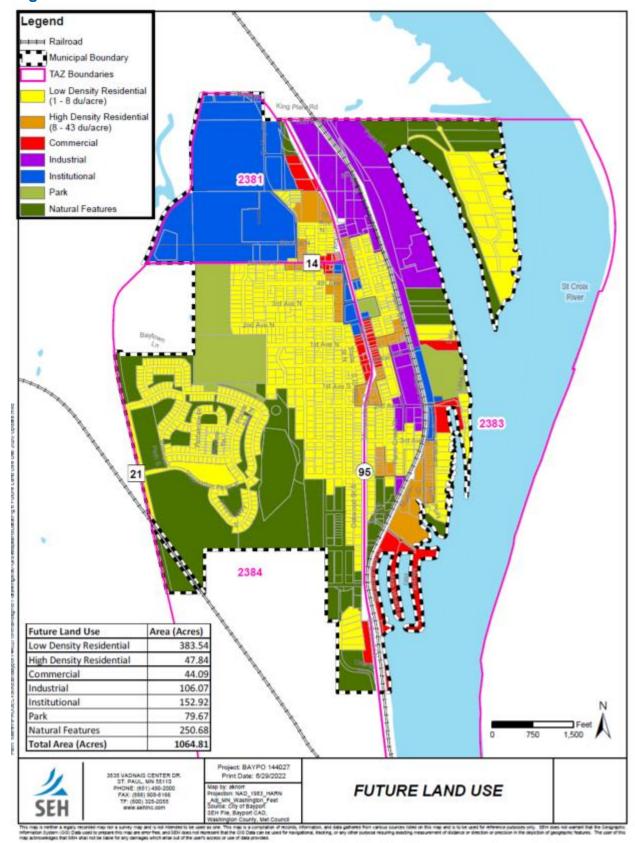


Figure 5. Land Guided for Affordable Housing

2021-2030 share of regional need for Affordable Housing: 7 units
2021-2030 total regional need for Affordable Housing: 37,900 units

	Available Acres	Minimum (Density) (units per acre)	Expected % Residential (if mixed use)	Minimum Units Possible
High Density Residential	3.20	8	100%	26
Total	3			26

Sufficient/(insufficient) units possible against share of regional need: 19

Affordable units built since 2021: 0

Sufficient/(insufficient) units possible adjusted for affordable units built: 19

