

**Community Development and Environment Committees**

For the Metropolitan Council meeting of July 28, 2021

**Subject:** City of Birchwood Village 2040 Comprehensive Plan and Comprehensive Sewer Plan, Review File 22239-1

**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 Birchwood Village to place its 2040 Comprehensive Plan into effect.
2. Advise the City to implement the advisory comments in the Review Record for Transportation, and Wastewater.

**Recommendation of the Environment Committee**

Approve the City of Birchwood Village’s Comprehensive Sewer Plan.

**Summary of Community Development Committee Discussion/Questions**

Senior Planner Jake Reilly presented the staff’s report to the Committee. A representative from the City did not attend. The Community Development Committee unanimously recommended approval of the proposed action with no questions or discussion at its meeting on July 6, 2021

**Summary of Environment Committee Discussion/Questions**

The proposed action was approved on the consent agenda at the Environment Committee’s July 14, 2021 meeting.

## Community Development Committee

Meeting date: July 6, 2021

## Environment Committee

Meeting date: July 13, 2021

For the Metropolitan Council meeting of July 28, 2021

**Subject:** City of Birchwood Village 2040 Comprehensive Plan and Comprehensive Sewer Plan, Review File 22239-1

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

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

### Proposed Action

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

#### Recommendations of the Community Development Committee

3. Authorize the City of Birchwood Village to place its 2040 Comprehensive Plan into effect.
4. Advise the City to implement the advisory comments in the Review Record for Transportation, and Wastewater.

#### Recommendation of the Environment Committee

1. Approve the City of Birchwood Village's Comprehensive Sewer Plan.

## ***Advisory Comments***

The following Advisory Comments are part of the Council action authorizing the City of Birchwood Village 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.
3. 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. 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.

## Background

The City of Birchwood Village is located along the western border of Washington County. It is surrounded by the communities of Mahtomedi, White Bear Lake, and White Bear 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
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 local opposition to the 2040 comprehensive plan.

# REVIEW RECORD

## City of Birchwood Village 2040 Comprehensive Plan

### Review File No. 22239-1, Business Item No. 2021-167 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 Birchwood Village, however there are no Regional Parks System components in the City. There are no state or federal recreation lands in the City, either.

#### *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). It accurately reflects transportation system components of the 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.

### Roadways

The Plan conforms to the Highways system element of the TPP. The City's Plan accurately accounts for the metropolitan highway system of principal arterials of which there are none. All of the roads in the community are local roads or other arterials. There are no right-of-way preservation needs.

The City's Plan accurately reflects the regional functional classification map of A-minor arterials, and has delineated major and minor collectors, of which there are none.

The Plan identifies all the required characteristics of the community's roadways, including existing and future functional class, and existing and forecasted traffic volumes.

### Transit

The Plan conforms to the Transit system element of the TPP. It shows the location of existing transit routes and facilities and acknowledges the city is within Transit Market Area 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. The Plan includes policies that protect regional airspace from obstructions and describes how off-site air navigation aids will be protected.

## **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 1 corridor in the community.

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

## **Freight**

The Plan is consistent with Freight policies of the TPP. Since there are no arterial roads within the Village there are no freight nodes or facilities. There are a few known freight issues in the community.

## **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 and applicable TPP policies for transit station areas.

## **Advisory Comment**

Route 219 does not operate along the west border of Birchwood Village. Route 219 operates along the west border of Mahtomedi (Highway 120) and along County Road E in White Bear Lake, south of Birchwood Village.

## **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 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-416 to the Metropolitan Council's Metropolitan Treatment Plant in St. Paul for treatment. The Plan projects that the City will have 360 sewered households and 30 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 is given in the Plan and determined appropriate for planning local services. 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 community'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 which is contracted out to White Bear Township. The Plan identifies previous pipe lining projects completed between 2005 through 2018 in which the entire collection system was lined. The

Implementation Chapter of the City's Plan reflects a budget of \$20,000 per year for 2020, 2025, and 2030 for sanitary sewer cleaning.

The Plan describes the requirements and standards for minimizing I/I and references City Ordinance 202.100 which states that it is unlawful for anyone to direct storm water, surface water, ground water, or water from air conditioning systems into the sanitary sewer and prohibits the connection of sump pumps, rain leaders, and passive drain tile to the sanitary sewer system.

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, repair, or replace existing pipes when needed. The Plan states that the entire collection system was built in 1964 and consisted of clay tile pipe. An estimate of the housing stock age was not provided in the plan, however if most of the public wastewater collection system was built in 1964, it can be assumed that a large portion of the homes 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. The Plan does not provide an estimate of the amount of I/I that exists within the collection system (public nor private). However, to date, the City has not been identified by the Council as having excess I/I.

### ***Sewer Element Comments***

The Sewer Element of the Plan has been reviewed against the requirements for Comprehensive Sewer Plans for Suburban communities. It was found to be complete and consistent with Council 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 Comment***

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. 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.

### **Surface Water Management**

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

When available, Council staff request that the City provide to the Council the date the Watershed approved the LWMP, and the date the City adopted 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 March 30, 2019

### ***Advisory Comments***

If you have any advisory comments for any section, use this heading, and add your text below.

### **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 Update includes the Metropolitan Council forecasts for the city in Table 2-1 (page 2-2, chapter 2). For reference, Metropolitan Council forecasts are:

Table 1. City of Birchwood Village Forecasts

	Census	Estimated	Council Forecasts		
	2010	2017	2020	2030	2040
Population	870	873	850	830	800
Households	351	357	360	360	360
Employment	25	34	30	30	30

The Council requires a description and inventory of land supply for future development and redevelopment. With little anticipated growth, the City appears to have enough land guided to accommodate future household growth.

## Thrive MSP 2040 and Land Use

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

The 2040 comprehensive 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 forecasted population and household growth at overall average densities of at least five units per acre and target opportunities for more intensive development near regional transit investments at densities and in a manner articulated in the TPP.

The existing land uses in the City of Birchwood Village are almost completely residential (88%). The remainder of the land is used for right-of-way, institutional and parks/open spaces, including four city-owned and managed public parks and one natural area, along with several trails and six lake access easements. There are six acres of undeveloped land – mostly as right-of-way - representing just over 2.5% of the city’s land use (Figure 3).

The City of Birchwood Village is a small, fully-developed community located on the southeast shoreline of White Bear Lake. Developed originally in the early 1900s as a collection of small summer cottages that dotted the shoreline; it was a destination for Saint Paul residents looking for respite from the City. much of the existing land use pattern today remains a reflection of the community’s historical roots as a resort town. Roadways still meander, easements to provide lake access run between existing homes, and many original cottages remain.

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, Birchwood Village is expected to see a decline in population and maintain the number of households through the 2040 planning horizon. Therefore, there is no planned growth. The Plan does limit redevelopment in the City of Birchwood Village to five (5) units per acre.

## Housing

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

The Plan is consistent with the 2040 Housing Policy Plan (HPP). As of 2016, the City has 370 homes including nearly 20 multifamily units and approximately 350 single-family homes. Approximately 25

homes are rented. More than 80 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 four units affordable to households with income at or below 30% AMI and about eight cost-burdened households with incomes at or below 30% AMI.

The Plan identifies existing housing needs including maintenance and support of the City's current level of housing affordability; maintain single family detached housing density; and maintain and enhance existing housing stock. 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 will rely on strong partnership with Washington County Community Development Agency (CDA) to best align their resources with City housing needs and goals. The Plan also indicates that the City maintain a strong referral procedure, including training staff so that residents can be referred to any applicable housing programs. The City states that they will particularly focus referrals on maintenance and foreclosure prevention programs offered by Washington County CDA. The City will strive to assign a task force to identify what ways the City can ensure the long-term sustainability of the housing stock.

### **Water Supply**

*Reviewer: Dave Brown, ES – Water Supply Planning (651-602-1072)*

The City of Birchwood Village's 2040 comprehensive plan is complete and 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.

### **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 community, and since sewer forecasts are identical to the total community forecasts, the Plan infers that there are no SSTS' within the City. Washington County administers SSTS programs within the County.

### **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).

#### **Aggregate Resource Protection**

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

The Plan does not address the presence or absence of aggregate resources in the community. 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: Jake Reilly, CD – Local Planning Assistance (651-602-1822)*

The Plan addresses historic and cultural resources as required by the Metropolitan Land Planning Act.

## **Plan Implementation**

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

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

The Plan, with supplemental materials, describes the official controls and fiscal devices that the City will employ to implement the Plan. Specific implementation strategies are contained in 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**

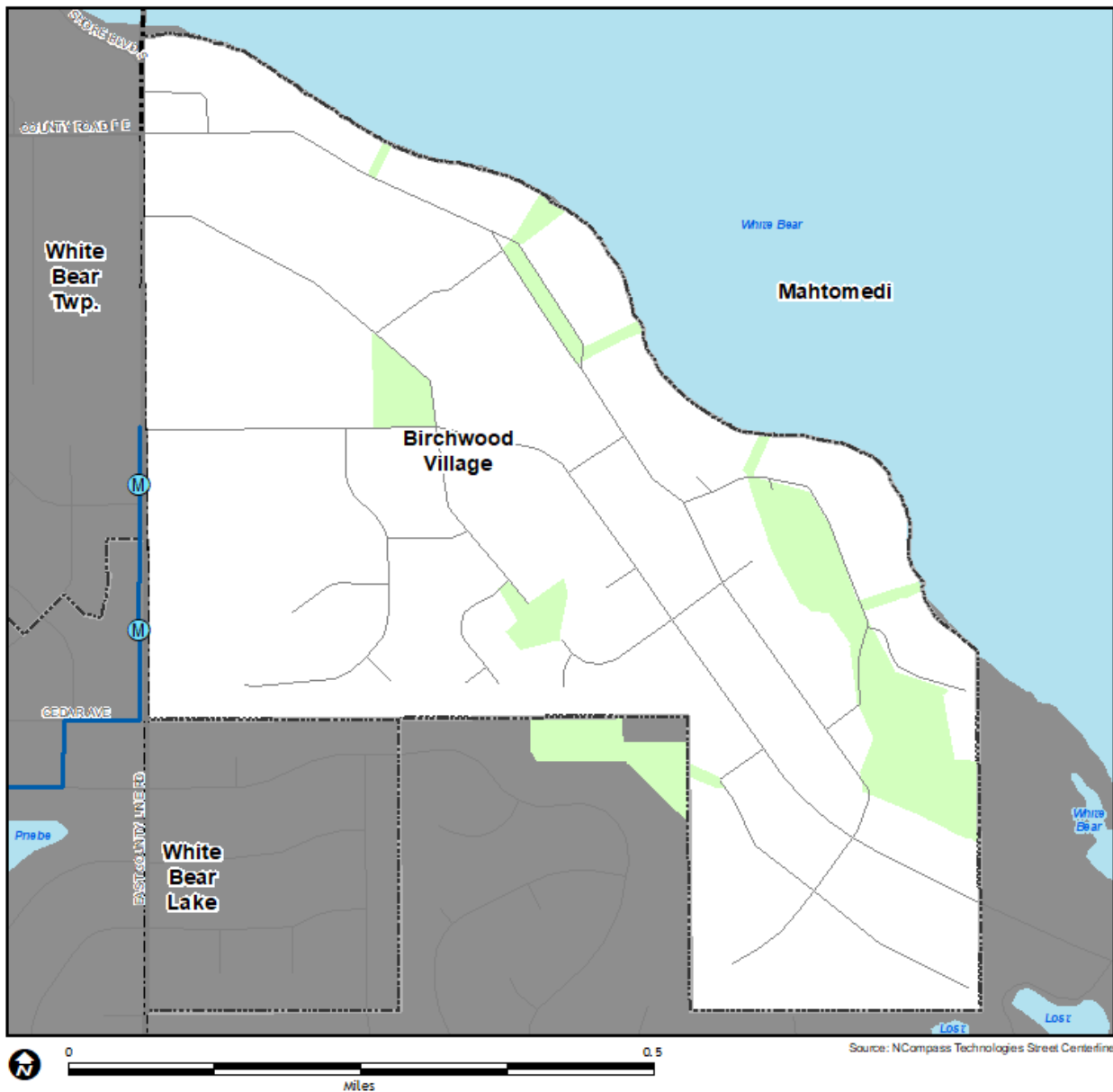
In response to the 2015 System Statement, the City submitted the following documents for review:

- March 30, 2019: City of Birchwood Village 2040 Comprehensive Plan
- March 30, 2019: Local Surface Water Management Plan
- December 28, 2020: Revised Comprehensive Plan Responding to Council Incomplete Items for Wastewater, Forecasts, Land Use, Water Resources, Housing, Implementation, and Submission Requirements.
- May 5, 2021: Revised Future Land Use Map, Future Land Use Tables, and Wastewater Information
- May 26, 2021: Revised 2040 Comprehensive 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 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**

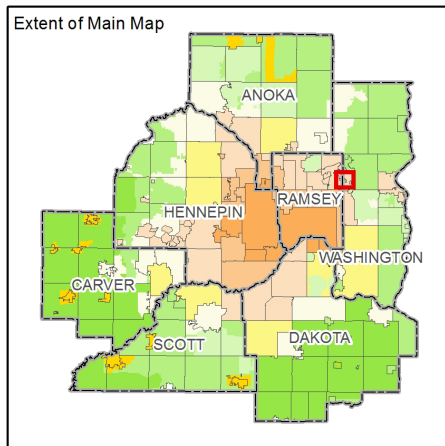
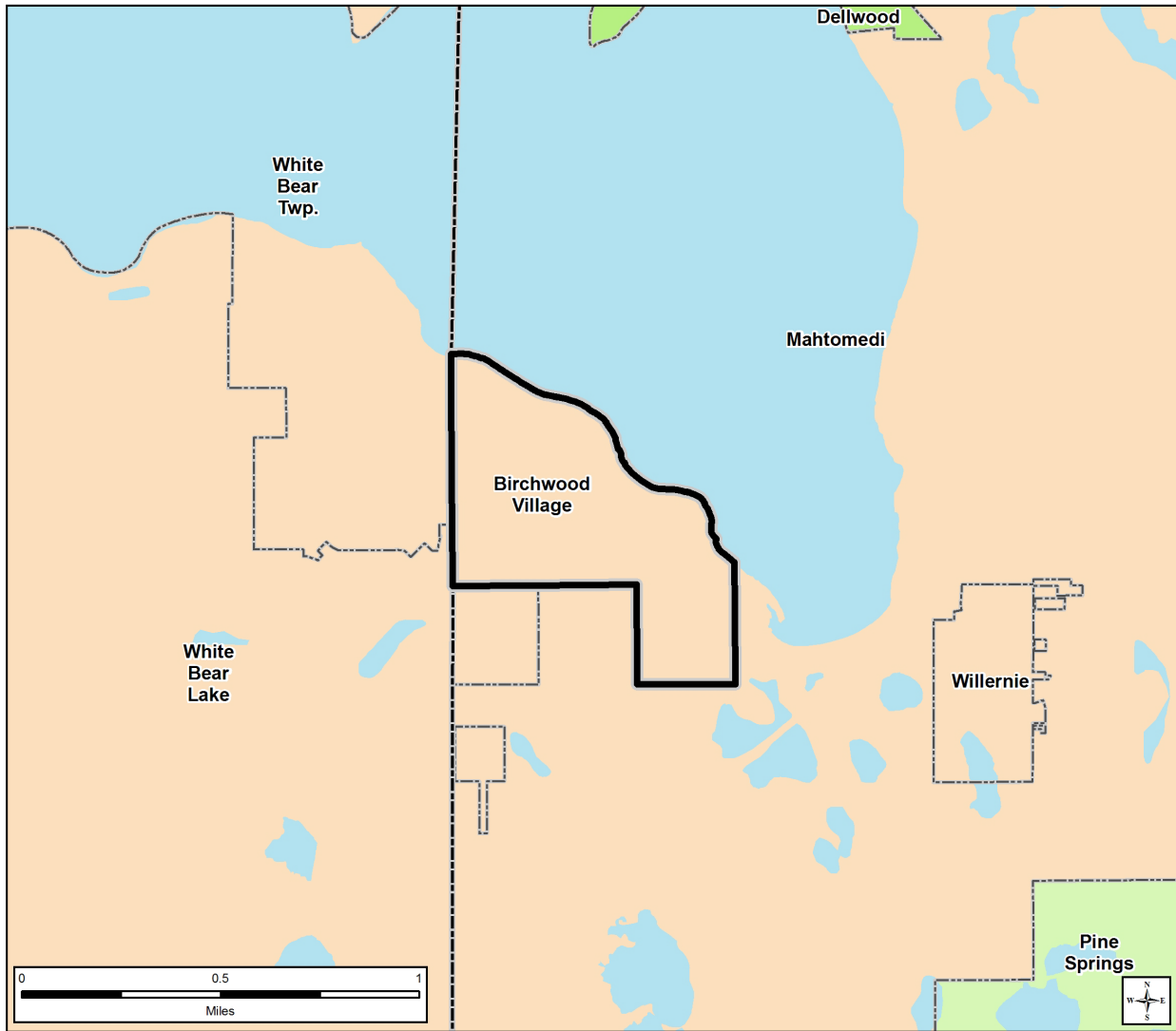
- M Meters
- L Lift Stations
- MCES Interceptors
- MTR MCES Treatment Plants

**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 2-2. Existing Land Use & Zoning



Figure 4. 2040 Planned Land Use

Figure 2-3. Planned Land Use & Zoning



**Planned Land Use & Zoning**

- Residential (Low Density 3-5d.u./acre)
- Institutional
- Parks/Open Space
- ROW

DRAFT



Source: Metropolitan Council, MnDNR, Birchwood Village, Washington County

Rev. Date: 4.1.2019  
 Date: 9.20.2017  
 Prepared by: SHC, LLC