

C Community Development Committee
Meeting date: October 5, 2009

E Environment Committee
Meeting date: September 22, 2009

ADVISORY INFORMATION

Subject:	City of Oak Park Heights 2030 Comprehensive Plan Update Review File No. 20467-1 Tier II Comprehensive Sewer Plan
District(s), Member(s):	District 12, Council Member Sherry Broecker, 651-486-0816
Policy/Legal Reference:	Minnesota Statutes Section 473.175
Staff Prepared/Presented:	LisaBeth Barajas, Principal Reviewer, 651-602-1895 Phyllis Hanson, Local Planning Assistance Manager, 651-602-1566 Kyle Colvin, Engineering Services Asst. Manager, 651-602-1151
Division/Department:	Community Development / Planning & Growth Management Environmental Services / Engineering 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 put its 2030 Comprehensive Plan Update into effect.
2. Adopt the revised population and employment forecasts as shown in Table 1 in the attached staff report.
3. Advise the City to implement the Advisory Comments in the attached Review Record for Parks, Transportation, and Land Use.

Recommendation of the Environment Committee:

Approve the City of Oak Park Heights Tier II Comprehensive Sewer Plan.

ADVISORY COMMENTS

City of Oak Park Heights 2030 Comprehensive Plan Update and Tier II Comprehensive Sewer Plan

Review File No. 20467-1 – Council Business Item No. 2009-339

The following Advisory Comments are part of the Council action authorizing the City to implement its 2030 Comprehensive Plan Update (“Update”) and approving the City’s Tier II Comprehensive Sewer Plan:

Community Development Committee

1. The Council-adopted *Local Planning Handbook* states that the City must take the following steps:
 - a. Adopt the Update in final form after considering the Council’s review recommendations; and
 - b. Submit one electronic copy and one hard copy of the Update to the Council. The electronic copy must be organized as one unified document.
 - c. Submit to the Council a copy of the City Council resolution evidencing final approval of the Update.
2. The Council’s *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, local governments should incorporate those recommended changes into the plan or respond to the Council before “final approval” of the comprehensive plan by the governing body of the local governmental unit. (Minn. Stat. § 473.858, subd. 3)
3. Local governmental units must adopt official controls as described in their adopted comprehensive plans and must submit copies of the official controls to the Council within 30 days after 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 nine months following amendments to comprehensive plans (Minn. Stat. § 473.865, subd. 3).

Environment Committee

1. The Council-approved Tier II Comprehensive Sewer Plan becomes effective only after the Update also receives final approval from the City’s governing body. After the Update receives final approval from the City and the Tier II Sewer Plan becomes effective, the City may implement its Update to alter, expand, or improve its sewage disposal system consistent with the Council-approved Tier II Sewer Plan.
2. A copy of the City Council resolution adopting its Update, including the Tier II Sewer Plan, must be submitted to the Council.

Background

The City of Oak Park Heights is located in eastern Washington County on the shore of the St. Croix River. The City is bounded by the City of Stillwater to the north, the St. Croix River to the east, the City of Bayport to the southeast, Baytown Township to the south, and the City of Lake Elmo to the west. The *2030 Regional Development Framework* (RDF) identifies the City as a Developing geographic planning area (see Figure 2).

The City submitted its *Comprehensive Plan 2008* (Update) to the Council for review to meet the Metropolitan Land Planning Act requirements (Minn. Stat. 473.175) and the Council's 2005 System Statement requirements.

Rationale

1. Does the proposed Update conform to Regional Systems Plans?
2. Is the Update consistent with Metropolitan Council policies?
3. Is the Update compatible with the plans of adjacent governmental units and plans of affected special districts and school districts?

Conformance with Regional Systems Plans:

- | | |
|---|-----|
| 1. Regional Parks | Yes |
| 2. Transportation, including Aviation | Yes |
| 3. Water Resources Management
(Wastewater Services and Surface Water Management) | Yes |

Consistent with Council Policy Requirements:

- | | |
|--|-----|
| 1. Forecasts | Yes |
| 2. Housing | Yes |
| 3. <i>2030 Regional Development Framework</i> and Land Use | Yes |
| 4. Individual Sewage Treatment Systems (ISTS) Program | Yes |
| 5. Water Supply | Yes |

Compatible with the Plans of Adjacent Governmental Units and Plans of Affected Special Districts and School Districts

- | | |
|--------------------------------|-----|
| 1. Compatible with other plans | Yes |
|--------------------------------|-----|

Funding

None.

Known Support / Opposition

There is no known opposition.

REVIEW RECORD

Review of the City of Oak Park Heights 2030 Comprehensive Plan Update

STATUTORY AUTHORITY

The Metropolitan Land Planning Act (MLPA) requires local units of government to submit comprehensive plans (plans) and plan amendments to the Council for review and comment (Minn. Stat. § 473.864, Subd. 2). The Council reviews plans to determine:

- *Conformance with metropolitan system plans,*
- *Consistency with other adopted Plans of the Council, and*
- *Compatibility with the Plans of other local jurisdictions in the Metropolitan Area.*

The Council may require a local governmental unit to modify any plan or part thereof if, upon the adoption of findings and a resolution, the Council concludes that the Update 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. Each such plan shall be submitted to the Council for review and shall be subject to the approval of the Council as to those features affecting the Council's responsibilities as determined by the Council. Any such features disapproved by the Council shall be modified in accordance with the Council's recommendations (Minn. Stat. § 473.513).

CONFORMANCE WITH REGIONAL SYSTEMS

Regional Parks

Reviewer: Jan Youngquist, CD – Regional Parks System Planning, (651-602-1029)

The Update conforms to the *2030 Regional Parks Policy Plan*. There are not any existing or proposed regional park facilities in the City.

Advisory Comments

The Existing Park and Bikeways Map and the Proposed Parks and Trails Map indicate that Bayport Wildlife Management Area is a regional park. The Council recommends that both of these maps be revised to show this as "State Land."

Transportation

Roads and Transit

Reviewer: Ann Braden, MTS – Systems Planning, (651-602-1705)

The Update conforms to the *2030 Transportation Policy Plan* (TPP) and addresses all the applicable transportation and transit requirements of a comprehensive plan.

Advisory Comments

The Update notes that the St. Croix River Crossing and the Highway 36 improvements are included in the 2005-2008 Transportation Improvement Program. The City should be aware that the bridge reconstruction is programmed for 2012.

Aviation

Reviewer: Chauncey Case, MTS – Systems Planning (651-602-1724)

The Update conforms to the aviation system plan and is consistent with Council policy.

Water Resources Management

Wastewater Service

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

The Update conforms to the *2030 Water Resources Management Policy Plan* (WRMPP). The Update summarizes the City's vision for the next 20 years through the year 2030. It includes growth forecasts that are consistent with the Council's forecasts for population, households, and employment.

The Metropolitan Council Environmental Services currently provides wastewater treatment services to the City. Wastewater generated within the City is conveyed to and treated at the Metropolitan Council's St. Croix Valley Wastewater Treatment Plant in Oak Park Heights. The City is provided wastewater conveyance through interceptors 7131-1 and 9101. The Update projects that the City will have 2,500 sewer households and 4,600 sewer employees by 2030. The Metropolitan Disposal System with its planned scheduled improvements has or will have adequate capacity to serve the City's growth needs.

The Update provides sanitary flow projections in 5-year increments. The rationale for the projections is given in the Update and determined appropriate for planning for local services.

The City is not currently identified by the Council as a community impacted by wet weather occurrences. The Update, however, does include a description of an I/I reduction plan, which includes televised inspection and regular maintenance of the sanitary sewer system. The City passed a sump pump ordinance to prohibit the direction of ground water or stormwater drainage to the sanitary sewer system. The City enforces this ordinance through periodic visual inspections.

Tier II Comments

Council staff reviewed the Update's Tier II Sewer Element against the Council's requirements for Tier II Comprehensive Sewer Plans for developing communities and found it complete and consistent with Council policies. The Council's approval of the Tier II Plan becomes effective upon the City's adoption of the Update. At that time, the City may alter, expand, or improve its sewage disposal system consistent with the approved Tier II Sewer Plan. A copy of the City Council resolution adopting the final Update needs to be submitted to the Metropolitan Council for its records.

Surface Water Management

Reviewer: Judy Sventek, ES – Water Resources Assessment, 651-602-1156

The Update conforms to the WRMPP for local surface water management. The City lies within the Middle St. Croix, Valley Branch, and Brown's Creek watersheds. The Board of Water and Soil Resources (BWSR) approved the watershed management plans of the Middle St. Croix Watershed Management Organization and Valley Branch Watershed District in 2005. BWSR approved the Brown's Creek Watershed District's third-generation watershed plan in 2007.

The City prepared a Local Surface Water Management Plan (LSWMP) in May of 2008 that was reviewed by Council staff under separate cover. The LSWMP was found to be consistent with Council policy and with the Council's WRMPP.

CONSISTENCY WITH COUNCIL POLICY

Forecasts

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

The forecast-related content in the Update, including supplemental information received

August 2009, is consistent with regional policy. The Update includes City-requested population and employment forecast revisions (changes underlined):

Table 1. City of Oak Park Heights Revised Forecasts

	2010	2020	2030
Population	<u>5,100</u>	5,400	5,700
Households	2,180	2,300	2,500
Employment	<u>3,600</u>	<u>4,100</u>	<u>4,600</u>

Council staff have corresponded with the City’s planners and agree that lower employment numbers are realistic and reflect recent trends. The Council forecasts will be revised, as shown in Table 1, effective upon approval of the City’s Update.

The City’s System Statement forecasts are shown in Table 2 below.

Table 2. City of Oak Park Heights System Statement Forecasts

	2010	2020	2030
Population	5,500	5,400	5,700
Households	2,180	2,300	2,500
Employment	3,900	4,500	5,100

2030 Regional Development Framework and Land Use

Reviewer: Lisa Barajas, CD – Local Planning Assistance, (651-602-1895)

The Update is consistent with the *2030 Regional Development Framework* (RDF). The City is classified as a Developing community in the RDF. Developing communities are expected to accommodate growth, support centers along centers, and encourage the development of communities where shopping, jobs, and a variety of housing choices co-existing by design. Developing communities are also expected to accommodate sewer residential growth at a net density of 3 to 5 units per acre.

The Update identifies policies to implement a cohesive land use pattern ensuring compatibility among land uses, to encourage infill and redevelopment with compatible and complementary uses, to work with MnDOT during the design and construction of Highway 36 and St. Croix River Crossing improvements to ensure access to local businesses, and to encourage continued development and redevelopment along the City’s highway corridors.

The City is 2,229 acres in size with approximately 149 acres of vacant land. The City has staged the development of this vacant land through 2030, as shown in the attached Figure 3 (Proposed Land Use in 5-Year Stages). The majority of this land is guided for Commercial and Highway Business located along Highways 36 and 95.

The City is planning for the development of 65 acres of land guided for Medium Density Residential at 4-8 units per acre and for High Density Residential at 8-12 units per acre. Using the lowest allowed density, the Update provides for sufficient land to accommodate the forecasted growth of 320 households through 2030, providing for at least 340 new households. As shown in Table 3 below, the minimum net density for residential development through 2030 is 5.23 units per acre, consistent with the Council’s minimum sewer residential density policy of 3 units per acre.

Table 3. Residential Density Calculation, 2008-2030

Category	Density Range		Net Acres	Min Units	Max Units
	Min	Max			
Medium Density Residential	4	8	45	180	360
High Density Residential	8	12	20	160	240
TOTALS			65	340	600
Overall Density				5.23	9.23

The City has identified two areas for possible future annexation: the Boutwells Landing area in Baytown Township to the south, and property at the intersection of Highway 36 and Manning Avenue to the west in Lake Elmo. The Update indicates that the City will not aggressively pursue the annexation of these properties and will only consider these two areas if petitioned by the property owners and of the affected jurisdiction in which they are currently located. The Update stresses the policy of only extending municipal services and utilities to properties within the City of Oak Park Heights.

Advisory Comment

The City needs to be aware that annexation of either the Boutwells Landing area in Baytown Township or the area identified in the City of Lake Elmo will require an amendment to the Update.

Housing

Reviewer: Linda Milashius, CD – Livable Communities, (651-602-1541)

The Update fulfills the affordable housing planning requirements of the Metropolitan Land Planning Act. The Update acknowledges the City's share of the region's affordable housing need for 2011 to 2020, which is 24 units. To provide opportunities to meet this need, the Update indicates that 10 acres of land will be guided for high density residential development, with a density range of 8 to 12 units per acre.

The Update identifies the implementation programs and tools the City will use to provide opportunities for the development of affordable housing. The Update states that the City will continue to participate and work with programs offered by the Washington County Housing and Redevelopment Authority (HRA), as well as other local financial institutions, to address local life-cycle and affordable housing needs. The City is a participant in the Livable Communities Local Housing Incentives Account.

Community and Individual Sewage Treatment Systems (ISTS)

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

The Update is consistent with the WRMP for ISTS. The Update indicates that there are approximately six (6) households in the community that continue to be served by ISTS. The City has adopted the Washington County ISTS Code for regulation of specifications, installation, and maintenance of ISTS, and has turned over all management oversight of existing systems to the County. The Washington County ISTS Code is consistent with MPCA Rules and with Council policy requirements.

Water Supply

Reviewer: Sara Smith, ES – Water Supply Planning, (651-602-1035)

The Update is consistent with the WRMP. The Council reminds the City to continue educating its residential, commercial, and industrial customers on methods for minimizing water use.

Resource Protection

Historic Preservation

Reviewer: Lisa Barajas, CD – Local Planning Assistance, (651-602-1895)

The Update appropriately addresses historic preservation in the community. The Update identifies historic properties, along with policies for the preservation, protection, and continued use of areas, buildings, and structures that have historic values.

Solar Access Protection

Reviewer: Lisa Barajas, CD – Local Planning Assistance, (651-602-1895)

The Update contains policies addressing Solar Access Protection as required by the MLPA.

Aggregate Resources Protection

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

The Update indicates that there are no known deposits of viable aggregate resources within the City. *Minnesota Geological Survey Information Circular 46* concurs with the City's determination that there are not deposits in areas in the community that have not already been urbanized.

PLAN IMPLEMENTATION

Reviewer: Lisa Barajas, CD – Local Planning Assistance, (651-602-1895)

The Update includes a description of and schedule for any necessary changes to:

- Capital Improvement Program Yes
- Zoning Code Yes
- Subdivision Code Yes
- ISTS Code Yes
- Housing Implementation Program Yes

The Update contains an implementation section, which describes the official controls and fiscal devices that the City will employ to implement the Update. The Update describes the City's existing zoning ordinances and districts. The Update also describes implementation plans for annexation, land use, natural environment, transportation, commercial and industrial uses, administration, community facilities, and parks and open spaces.

COMPATIBILITY WITH PLANS OF ADJACENT GOVERNMENTAL UNITS AND PLANS OF AFFECTED SPECIAL DISTRICTS AND SCHOOL DISTRICTS

The City submitted its Update to the adjacent communities, county and affected school districts, affected watershed districts, and other special districts for comment on June 5, 2008. There do not appear to be any compatibility issues with the Update.

DOCUMENTS SUBMITTED FOR REVIEW

- City of Oak Park Heights Comprehensive Plan 2008 (December 31, 2008)
- Updated comprehensive sewer plan, surface water management plan, water supply plan, and capital improvement plan (January 15, 2009)
- Revised water supply plan (February 26, 2009)
- Revisions to Comprehensive Plan in response to Council incomplete letter (August 11, 2009)

ATTACHMENTS

Figure 1: Location Map with Regional Systems

- Figure 2: 2030 Regional Development Framework Planning Areas
- Figure 3: Existing Land Use & Future Staging Tables
- Figure 4: Existing Land Use
- Figure 5: 2030 Future Land Use

Figure 1. Location Map with Regional Systems

City of Oak Park Heights

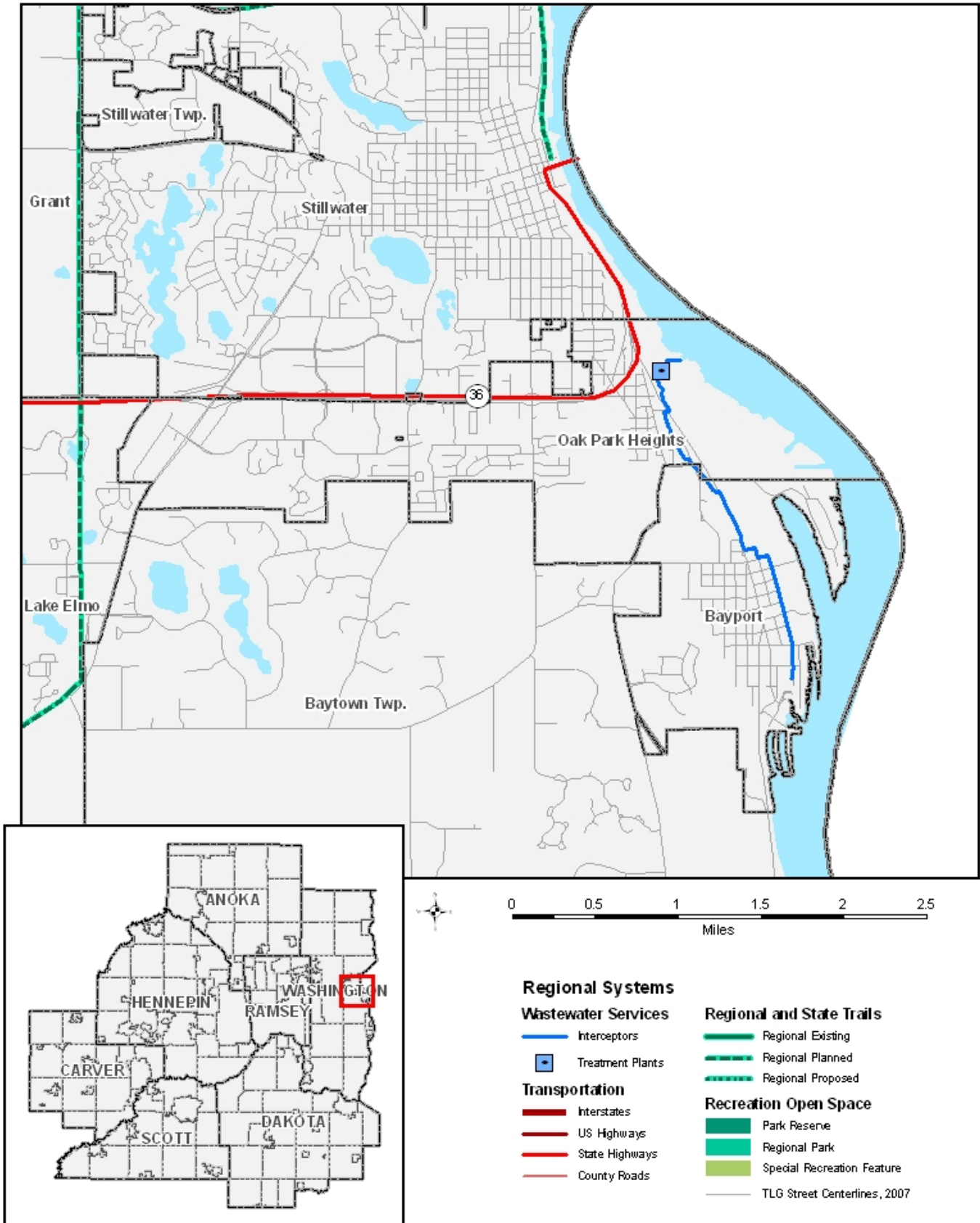


Figure 2. 2030 Regional Development Framework and Planning Areas

City of Oak Park Heights

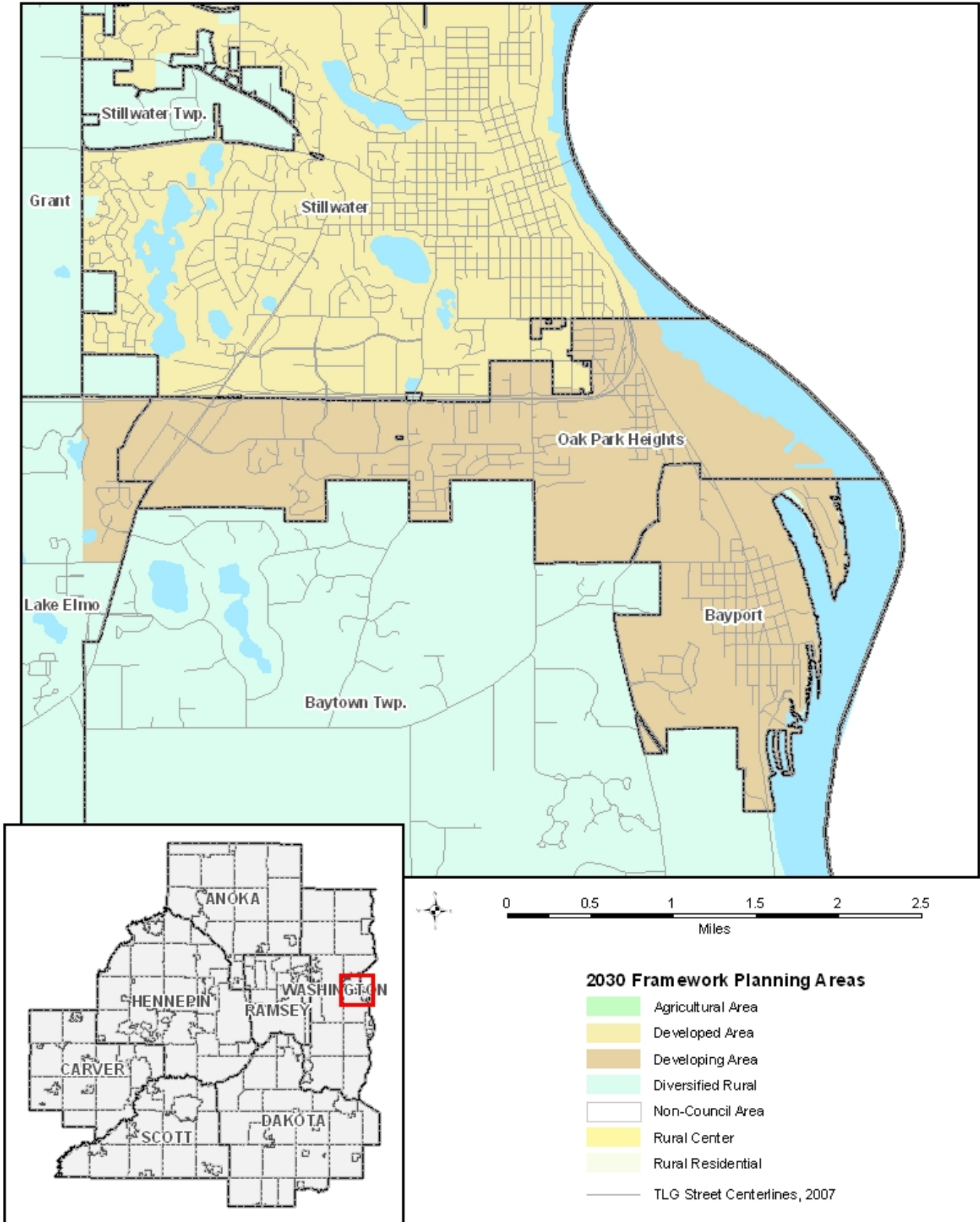


Figure 3. Existing Land Use and Future Staging Tables

City of Oak Park Heights

EXISTING LAND USE			
Category	Acres	Percent of Total	Percent by Category
<i>Residential Land Uses</i>			
Low Density	343	15%	22%
Medium Density	65	3%	
High Density	79	4%	
<i>Commercial and Industrial</i>			
Commercial	264	12%	16%
Highway Business	82	4%	
Industrial	382	17%	17%
<i>Other Land Uses</i>			
School Facilities	111	5%	6%
Quasi-Public	11	1%	
Government	252	11%	11%
Park Facilities	166	7%	7%
Water	26	1%	1%
Vacant	149	7%	7%
Right-of-Way	299	13%	13%
TOTAL	2,229	100%	100%
Source: NAC, Inc.			

LAND USE TABLE IN FIVE YEAR STAGES							
Category	Existing Acreage	Proposed Acreage					Change
	2008	2010	2015	2020	2025	2030	2008-2030
Residential:							
Low Density (1-3 units/acre)	343	343	343	343	343	343	0
Medium Density (4-8 units/acre)	65	105	110	110	110	110	45
High Density (8-12 units/acre)	79	84	89	89	89	89	20
Commercial and Industrial:							
Commercial	264	284	313	333	333	333	69
Highway Business	82	92	97	97	97	97	15
Industrial	382	382	382	382	382	382	0
Other Land Uses:							
Institutional	363	363	363	363	363	363	0
Parks and Recreation	166	166	166	166	166	166	0
Open Space/Vacant	149	69	25	5	5	5	144
Rights-of-Way	299	304	304	304	304	304	5
Utility	11	11	11	11	11	11	0
Water	26	26	26	26	26	26	0
TOTAL LAND / WATER AREA	2,229	2,229	2,229	2,229	2,229	2,229	0
Source: Northwest Associated Consultants, Inc.							

Figure 4. Existing Land Use
City of Oak Park Heights

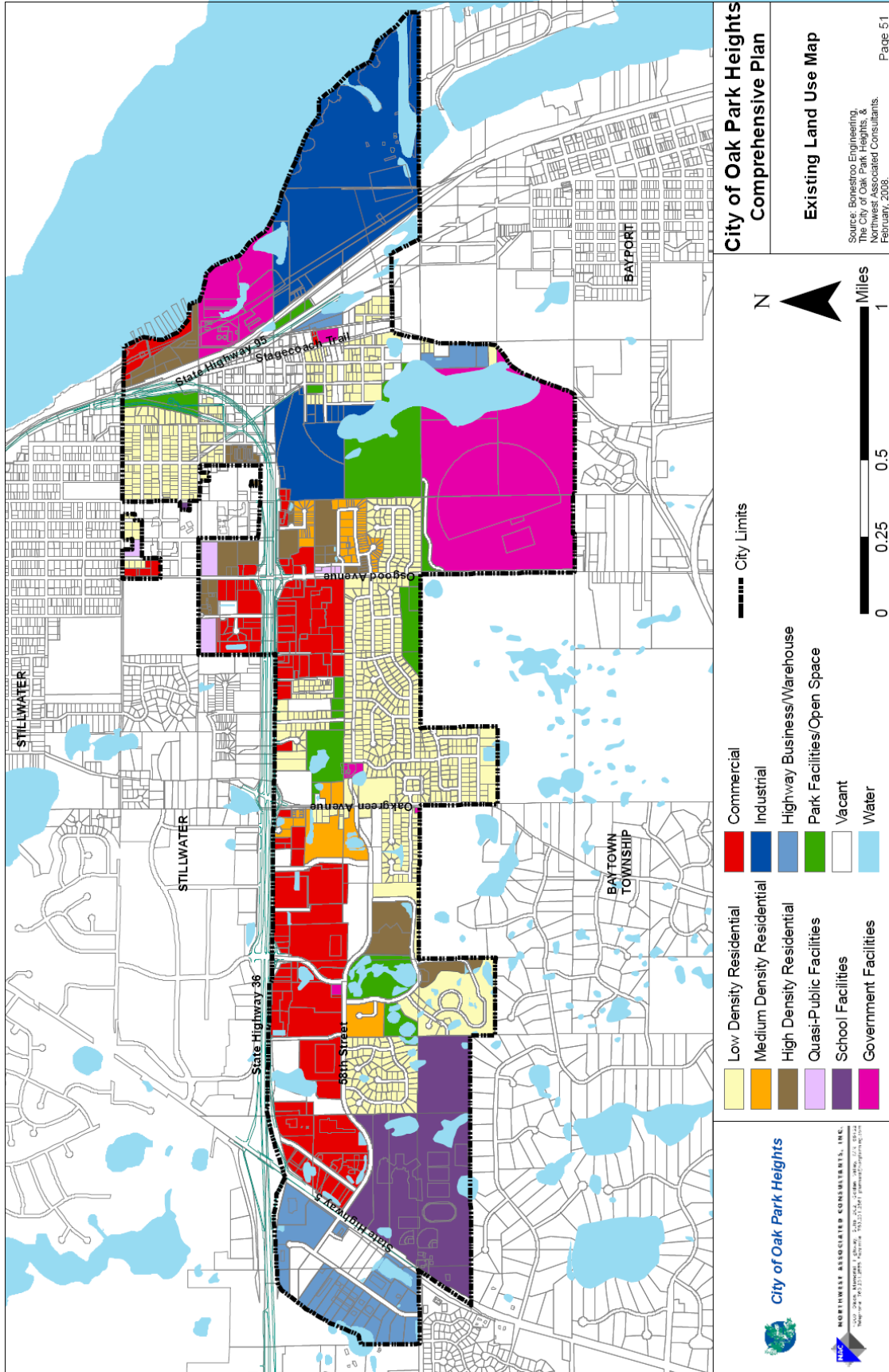


Figure 5. 2030 Future Land Use
 City of Oak Park Heights

