

C Community Development Committee

Meeting date: January 16, 2006

Metropolitan Council meeting date: January 24, 2007

ADVISORY INFORMATION

Date:	January 10, 2007
Subject:	Revised Systems Statement for City of Lake Elmo
District(s),	MC District 12
Member(s):	Chris Georgacas (651-292-8062)
Staff	Guy Peterson, Acting Community Development Director (651-602-1418)
Prepared/Presented:	Phyllis Hanson, Local Planning Assistance Manager (651-602-1566) Bob Mazanec, Principal Reviewer (651-602-1330)
Division/Department:	Community Development Division/Local Planning Assistance

Information Item

In January, 2006 the Metropolitan Council denied the City of Lake Elmo's systems statement appeal by concurring in the report of the Land Use Advisory Committee finding that disagreements about systems statement geographic planning area designations are appropriately resolved in the context of comprehensive plan reviews. When the Council subsequently reviewed the "City of Lake Elmo Comprehensive Plan ~2030~" the report recommended that staff revise the City's metropolitan systems statement to reflect the planning areas and urban service staging shown in the plan revision. On January 4, 2007 Council staff sent the attached metropolitan systems statement revision to the City of Lake Elmo to fulfill these directives.

Background

The Metropolitan Council sent a metropolitan systems statement to the City of Lake Elmo on September 12, 2005. Shortly thereafter, the City appealed the systems statement.

The basic claim was that the statement was inconsistent with the revised comprehensive plan that the City had prepared in response to the 1998 comprehensive plan required modification Memorandum of Understanding. The City argued that designation of residential areas not planned for sewer service and urbanization were more appropriately considered "rural residential" in terms of 2030 Development Framework planning area classifications instead of "diversified rural" as shown in the systems statement. Also, the City had previously gone on record opposing the park and ride facility shown in the systems statement at I-94 and Keats Avenue.

The Land Use Advisory Committee of the Metropolitan Council heard the matter on December 30, 2005 and met again on January 19, 2006 to make a decision. The Land Use Advisory Committee denied the City of Lake Elmo's appeal. On January 25, 2006 the Metropolitan Council concurred with the advisory committee decision.

In their reports the Land Use Advisory Committee and Metropolitan Council made two key findings. One was that the park and ride lot shown in the systems statement is a part of the

Council's transportation system plan and, therefore, is not a valid subject for appeal. The other finding was that disputes about planning areas should be resolved through review of the City's 1998 comprehensive plan revisions, which were under review at that time.

On April 12, 2006 the Metropolitan Council completed its review of the City plan recommending in part "That the Metropolitan Council: ... 3. Revise the City's metropolitan systems statement "Urban Service Area" map to reflect the urban service areas and staging shown in the "City of Lake Elmo Comprehensive Plan ~2030~" and adjust sewer development forecast stages accordingly; ..."

Pursuant to this recommendation Council staff sent the City a draft revised systems statement dated June 5, 2006. Numerous discussions and exchanges between City and Council staff followed in effort to ensure common understandings. These culminated in a meeting between Lake Elmo officials and senior Council management staff on December 18, 2006 at which final systems statement wording and clarifications were agreed upon. A final systems statement revision dated January 3, 2007 was sent to the City of Lake Elmo on January 4.

V:\REVIEWS\Communities\Lake Elmo\System Statements\Lake Elmo 2005 System Statement revised 070103 report 2CDC.doc

January 3, 2007

Tom Bouthilet
Acting Community Development Director
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, MN 55042

RE: City of Lake Elmo Metropolitan Systems Statement

Dear Mr. Bouthilet:

Based on recent discussions with Metropolitan Council staff, the City's system statement appeal, and the Council's April 12, 2006 review of the City's comprehensive plan, The Metropolitan Council agrees to revise the City of Lake Elmo's December 12, 2005 metropolitan system statement as follows:

Page 2—The paragraphs describing the City's Geographic Planning Area have been amended to reflect designation of Lake Elmo's rural area as Rural Residential in the Council's *2030 Development Framework*.

Page W-2—Table 1 shows expected splits in flow between the two regional wastewater treatment plants serving the City. Total flows still reflect amounts agreed upon in the January 27, 2005 Memorandum of Understanding and Lake Elmo's recently reviewed comprehensive plan revision. Flow calculations assume the minimum residential density standard of three units per acre allowed by Council policy.

Page W-3—A paragraph has been added reiterating the Council expectation that Lake Elmo's 2008 comprehensive plan update will allow utilization of remaining residential equivalent units (RECs) available to the City.

Page W-7—This is an amended *2030 Development Framework* map showing Lake Elmo's Rural Residential and Developing Areas as approved in the City's comprehensive plan reviewed by the Council on April 12, 2006.

Enclosed are revised Cover and Wastewater sections for the City of Lake Elmo's system statement. The remainder of the original system statement, those sections entitled "Regional Parks System Statement" and "Transportation System Statement" will remain unchanged.

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Tom Bouthilet
January 3, 2007

We look forward to reviewing the City's comprehensive plan update in response to this revised metropolitan systems statement in conjunction with the decennial plan review process that must be completed by December 31, 2008. If you have any questions about the Council's decision regarding the City of Lake Elmo's revised systems statement, please contact your sector representative, Bob Mazanec at 651-602-1330 or via email at bob.mazanec@metc.state.mn.us .

Sincerely,

Phyllis Hanson, Manager
Local Planning Assistance

cc: Chris Georgacas, Council Member, District 12
Susan Hoyt, Lake Elmo Village Project Director
Tom Weaver, Regional Administrator
Bob Mazanec, Sector Representative
Cheryl Olson, Reviews Coordinator

Revised System Statement

City of Lake Elmo

Following the January 2004 adoption of the 2030 *Regional Development Framework*, and the more recent adoptions of the *Transportation Policy Plan*, the *Water Resources Management Policy Plan*, and the *Regional Parks Policy Plan*, the Metropolitan Council is issuing system statements pursuant to state statute.

Receipt of this system statement and the metropolitan system plans triggers communities' obligations to review and, as necessary, amend their comprehensive plans within the next three years. The complete text of the 2030 *Regional Development Framework* as well as complete copies of the recently adopted metropolitan system plans are available for viewing and downloading at <http://www.metrocouncil.org/planning/framework/timeline.htm>. Paper copies are available by calling the Council's Data Center at 651-602-1140.

Metropolitan system plans are long-range comprehensive plans for the regional systems--

transportation and airports, wastewater services, and parks and open space, along with the capital budgets for metropolitan wastewater service, transportation and regional recreation open space. System statements explain the implications of metropolitan system plans for each individual community in the metropolitan area. They are intended to help communities prepare or update their comprehensive plan, as required by the Metropolitan Land Planning Act:

Within three years following the receipt of the metropolitan system statement, every local governmental unit shall have prepared a comprehensive plan in accordance with sections 462.355, subdivision 4, 473.175, and 473.851 to 473.871 and the applicable planning statute and shall have submitted the plan to the Metropolitan Council for review pursuant to section 473.175.

Local comprehensive plans will be reviewed by the Council for conformance with metropolitan system plans, consistency with Council policies and compatibility with adjacent and affected governmental units.

The system statement includes forecasts at densities that assure regional growth is achieved consistent with adopted policies. These forecasted densities help ensure regional services and costly regional infrastructure can be provided as efficiently as possible, and that development and growth within the metropolitan area occur in a coordinated manner. The system statement also contains an overview of the transportation and aviation, transit, wastewater, and regional parks system plan updates, and system changes affecting each community.

Forecasts:

The following forecasts are part of the 2030 *Regional Development Framework* (adopted January 14, 2004 and updated on August 24, 2005). They are used by the Council to plan for its regional systems. Communities should base their planning work on these forecasts.

Forecast of population, households and employment:

	1990	2000	Revised Development Framework		
			2010	2020	2030
Population	5,903	6,863	9,952	18,403	24,000
Households	1,973	2,347	3,619	6,324	8,727
Employment	1,011	1,682	2,250	7,200	14,000

The Council forecasts growth at appropriate densities for communities in order to protect the efficiency of wastewater, transportation and other regional system investments and to help ensure the metropolitan area can accommodate its projected growth by the year 2030.

Growth management:

The Regional Development Framework sets an overall minimum residential density standard of 3 to 5 units per acre in developed and developing areas where urban service is located or planned. The average minimum standard of 3 units per acre is important to the efficient use of regional systems, including wastewater system investments. Communities that significantly over-utilize or under-utilize regional systems can cause inefficiencies in the use of regional resources. Additionally, achieving housing at these density levels may help communities meet their obligations under the Metropolitan Land Planning Act to plan for and address their housing needs.

Geographic planning area:

The City of Lake Elmo will be designated partially as a “developing community” and partially as a “rural residential” geographic planning area in the *2030 Regional Development Framework*. Geographic planning areas are shown on the 2030 Planning Area map (see page W-7). The planning area sets overall densities that the planned development patterns in your community can be expected to achieve.

Rural residential areas are immediately adjacent to developing areas and have large numbers of individual sewage treatment systems typically at densities of one dwelling unit per 2.5 acres or less. Rural residential areas face challenges in making the transition from rural unsewered development to sewer development. Urban reserve strategies are particularly important in these areas.

As Lake Elmo plans for current and future residents, it should focus on protecting natural resources, ensuring sufficient public infrastructure, and developing transition strategies to increase density and encourage infill development. Developing communities are also encouraged to preserve areas for post-2030 growth, where appropriate (see the Wastewater section that follows for specific requirements).

The *2030 Regional Development Framework* contains specific strategies for the developing planning area on page 26 and for the rural residential planning area on page 29.

System statement review process:

If your community disagrees with elements of this system statement, or has any questions about this system statement, we urge you to contact your sector representative, Bob Mazanec, 651 602-1330, to review and discuss potential issues or concerns.

The Council and local units and districts have historically resolved questions about forecasts and other components of the system statement through discussions.

Request for hearing:

If a local governmental unit or school district and the Council are unable to resolve disagreements over the content of a system statement, the unit or district may by resolution request that a hearing be conducted by the Council's Land Use Advisory Committee or by the state Office of Administrative Hearings for the purpose of considering amendments to the system statement. According to Minnesota Statutes section 473.857, the request shall be made by the local unit or district within 60 days after receipt of the system statement. If no request for a hearing is received by the Council within 60 days, the statement becomes final.

System statement issue date:

The official date of the issuance of this system statement is September 12, 2005, except where revised January 3, 2007.

Revised Wastewater System Statement -- *Lake Elmo*

Key Changes in the Plan

The revised *Water Resources Management Policy Plan*, adopted by the Metropolitan Council in March 2005, is the metropolitan system plan for metropolitan wastewater services with which local comprehensive plans must conform. This system statement summarizes significant elements of the metropolitan system plan and highlights those elements that apply specifically to your community. In addition to reviewing this system statement, your community should consult the entire *Water Resources Management Policy Plan*, the *2030 Regional Development Framework* and other pertinent regional planning and policy documents to ensure your community's local comprehensive plan and plan amendments conform to the metropolitan system plans. A PDF file of the entire *Water Resources Management Policy Plan*, the *2030 Regional Development Framework*, the *Local Planning Handbook* and other regional planning and policy documents of the Metropolitan Council are available online at the Metropolitan Council's Web site:
<http://www.metrocouncil.org/planning/framework/overview.htm>.

The revised *Water Resources Management Policy Plan* incorporates the following changes:

- A coordinated approach to water supply planning in the metropolitan area with the goal of providing for a sustainable, reliable and secure supply of high quality water to support orderly economic growth and maintain the region's high quality of life.
- An approach to surface water management that ties together the control of pollution from point and nonpoint sources. Local surface water management plans will be reviewed for impacts on the regional wastewater system.
- A policy under which the Council will consider acquiring and operating local wastewater treatment plants in rural growth centers upon request where enough growth is projected to make it economically feasible for the Council to become involved.
- A plan that provides for cities to reduce excessive inflow and infiltration (I/I) of clear water into the metropolitan sewer system. A financial assistance/surcharge program is included that will provide a funding mechanism to help solve the I/I problem.
- A policy that continues to require inspections of individual sewage treatment systems (ISTS) at least once every three years by trained individuals. In addition, the Council has added further clarification on what is needed in a community's local ISTS management program.

System Plan Considerations Affecting Your Community

1. Metropolitan Sewer Service

As shown on the *2030 Regional Development Framework* Planning Areas Map, portions of Lake Elmo are to be guided for either diversified rural or as a developing community. The diversified rural area needs to accommodate growth to not exceed the Council’s forecasts for unsewered development and cluster development not to exceed one unit per ten acres.

Forecasts:

The forecasts of population, households, employment, and wastewater flows for Lake Elmo as contained in the adopted *Water Resources Management Policy Plan* are listed below. These forecasts are for sewer development. The sewer housing forecasts were estimated based on SAC data, annual city reports, current trends and other information relating to your community. The wastewater flows are based on historical wastewater flow data and the projected sewer housing and employment data.

Table 1

Year	2010	2020	2030
Sewered Population			
Eagles Point WWTP	1,416	6,330	11,756
Metropolitan WWTP	0	2,400	2,544
Sewered Households			
Eagles Point WWTP	515	2,175	4,275
Metropolitan WWTP	0	825	925
Sewered Employment			
Eagles Point WWTP	0	4,950	9,620
Metropolitan WWTP	1,000	2,000	4,380
Average Annual Wastewater Flow (MGD)			
Eagles Point WWTP	0.11	0.6	1.12
Metropolitan WWTP	0.03	0.2	0.3
Allowable Peak Hourly Flow (MGD)			
Eagles Point WWTP	0.44	2.04	3.47
Metropolitan WWTP	0.12	0.87	1.08

The flow projections represent the Council’s commitment to a level of service, assuming that the Council’s underlying demographic forecasts are maintained. Adjustments may be required based on verified growth or lack of growth. The city should contact Council staff to discuss any proposed adjustments. Flow projections do not represent an allocation of interceptor capacity except in the event a temporary system constraint occurs. The community must strive to keep its wet weather flows within the allowable peak hourly rate.

In the comprehensive plan revision accepted by the Metropolitan Council on April 12, 2006, the City utilized 6,600 RECs of the 8,325 REC design capacity for the City, leaving a balance of 1,725 unutilized RECs for long-term, post 2030 sewer service. As a condition of changing Lake Elmo's land use designations from "diversified rural" to "rural residential", Lake Elmo's 2008 comprehensive plan update shall be flexible enough to allow for possible limited post 2030 development, redevelopment, or environmental mitigation utilizing any Regional Sewer capacity that may remain post 2030.

At a minimum the Council will reevaluate flow projections every five years. Moreover, the Council will also continue to monitor each city's flow on a continuous basis and note any significant changes. The Council will use these growth and wastewater flow forecasts to plan all future interceptors and treatment work needed to serve your community. The Council will not design future interceptor improvements or treatment facilities to handle peak hourly flows in excess of the allowable rate for your city. Lake Elmo, through its comprehensive planning process, must decide the location and staging of development, and then plan and design its local wastewater collection system to serve this development. If you plan a total wastewater flow from your community in excess of the Council's forecasts, your assumptions will be analyzed by the Council for their potential adverse effects on the capacity or operation of the metropolitan system.

You should also note that urban development at overall densities that are substantially lower than identified for your community in the Council's Growth Management Strategy Section of the Systems Information Statement will also be analyzed by the Council for their potential adverse effects on the cost of providing metropolitan sewer service.

Description of Metropolitan Disposal System Serving your Community:

The attached map shows the location of the Metropolitan Disposal System (MDS) serving your community. The following paragraphs contain information on the existing and planned metropolitan facilities serving your community.

The wastewater flow from the City of Lake Elmo is treated at both the Metropolitan and Eagles Point WWTP's located within the City of St. Paul and the City of Cottage Grove respectively. There are many projects scheduled for both plants through 2030. These projects will provide additional capacity at the plants as well as improve their ability to meet required permit standards.

As can be seen on the attached map, the City of Lake Elmo will be served by two interceptors. Interceptor 1-WO-500 will provide wastewater service to the western portion of the city and will be designed for an average design capacity of 0.5 mgd. The interceptor to the Eagles Point WWTP will provide service to the city for an average design capacity of 1.78 mgd. The city needs to verify its long-term needs as part of its comprehensive plan update. If necessary, detailed information regarding metropolitan facilities is available from the Council's Municipal Services Section by calling the staff at (651) 602-1005.

Inflow/Infiltration Reduction Goal

The Council's *Water Resources Management Policy Plan* states that the Council will establish I/I goals for all communities discharging wastewater to the MDS. Communities that have excessive I/I in their sanitary sewer systems will be required to eliminate the excessive I/I by 2012. The Council will begin the implementation of an I/I assistance/surcharge program in 2007. The money collected from the communities with excessive I/I may be used by those communities to remove I/I from their systems. The Council will limit increases in service within those communities that have not met their I/I goal(s) starting in 2013. The Council will meet with the community and discuss this alternative before it is implemented. This time period may be shorter if excessive I/I jeopardizes the Council's ability to convey wastewater without an overflow occurring. In this case the Council may limit increases in service within those communities that have excessive I/I immediately upon notification to the community. The Council plans to implement a wastewater rate demand charge program, starting in 2013, for those communities that have not met their I/I goals. These revenues will be used to help defray the cost of providing attenuation within the MDS to recover the capacity lost to excessive I/I.

The I/I goal established for the City of Lake Elmo is the allowable peak hourly flow rate as shown in Table 1 and varies based on annual average flow.

Specific Requirements for the Sewer Element of the City's Comprehensive Plan

The Council has completed a review of the current information in the city's existing comprehensive plan and has determined that the current plan satisfies the wastewater requirements for the sewer element of the city's comprehensive plan/local sewer policy plan update.

2. Management of Individual Sewage Treatment Systems

The Metropolitan Land Planning Act requires the sewer element (local sewer policy plan) of the local comprehensive plan to describe the standards and conditions under which the installation of individual sewage treatment systems will be permitted and to the extent practicable, the areas not suitable for public or private systems.

The new *Water Resources Management Policy Plan* states that the appropriate density for development with individual sewage treatment systems depends on the suitability of the soils to treat wastewater and whether space is available for a primary and back up drainfield. It is the Council's position that all municipalities and counties allowing individual sewage treatment systems should incorporate current MPCA regulations (Minn. Rules Chapter 7080) as part of a program for managing individual sewage treatment systems in the sewer element of their local comprehensive plan and implement the standards in issuing permits. Lake Elmo should adopt a management program consistent with state rules. An overview of Lake Elmo's management program must be included in the community's local comprehensive plan update. If adequate information on the management program is not included; the comprehensive plan will be found incomplete for review until the required information is provided to the Council.

3. Management of Private Wastewater Treatment Plants (Cluster Systems)

Small private treatment plants are located throughout the metropolitan area serving such developments as individual industries, mobile home parks, and other urban type uses. The Council will not provide financial support to assist communities if these systems fail.

Lake Elmo should include in the sewer element (local sewer policy plan) of its local comprehensive plan the conditions under which private treatment plants would be allowed. The use of private wastewater treatment plants must be consistent and compatible with the long-term regional wastewater system plan.

4. Surface Water Management

In 1995, Minnesota Statutes section 473.859, subd. 2, was amended to make the local surface water management plan required by Minnesota Statutes section 103B.235 a part of the land use plan of the local comprehensive plan. Section 103B.235 provides that a local surface water management plan should be prepared once a watershed plan for the area has been approved. Section 103B.235 also generally identifies the content requirements for the plan. The local surface water management plan must be submitted to both the watershed management organization(s) within whose watershed the community is located and to the Metropolitan Council for its review. For guidelines on the contents of local surface water management plans, please refer to Appendix B2-b of the Council's *Water Resources Management Policy Plan*.

Council records indicate that Lake Elmo is in the Browns Creek, South Washington and Valley Branch Watershed Districts (see attached map). The Browns Creek and South

Washington watershed plans were approved by BWSR in 2001 and 1997 respectively. The Valley Branch watershed plan is currently out for review and anticipated to be approved by BWSR in 2005 or 2006. Therefore, Lake Elmo will be required to update its local surface water management plan by the end of 2007 or 2008. The plan should be submitted to the Council for its review concurrent with the review by the watershed districts. Failure to have an updated local surface water management plan consistent with the local surface water management plan content requirements found in Appendix B2-b of the *Water Resources Management Policy Plan* will result in a metropolitan system impact.

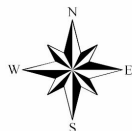
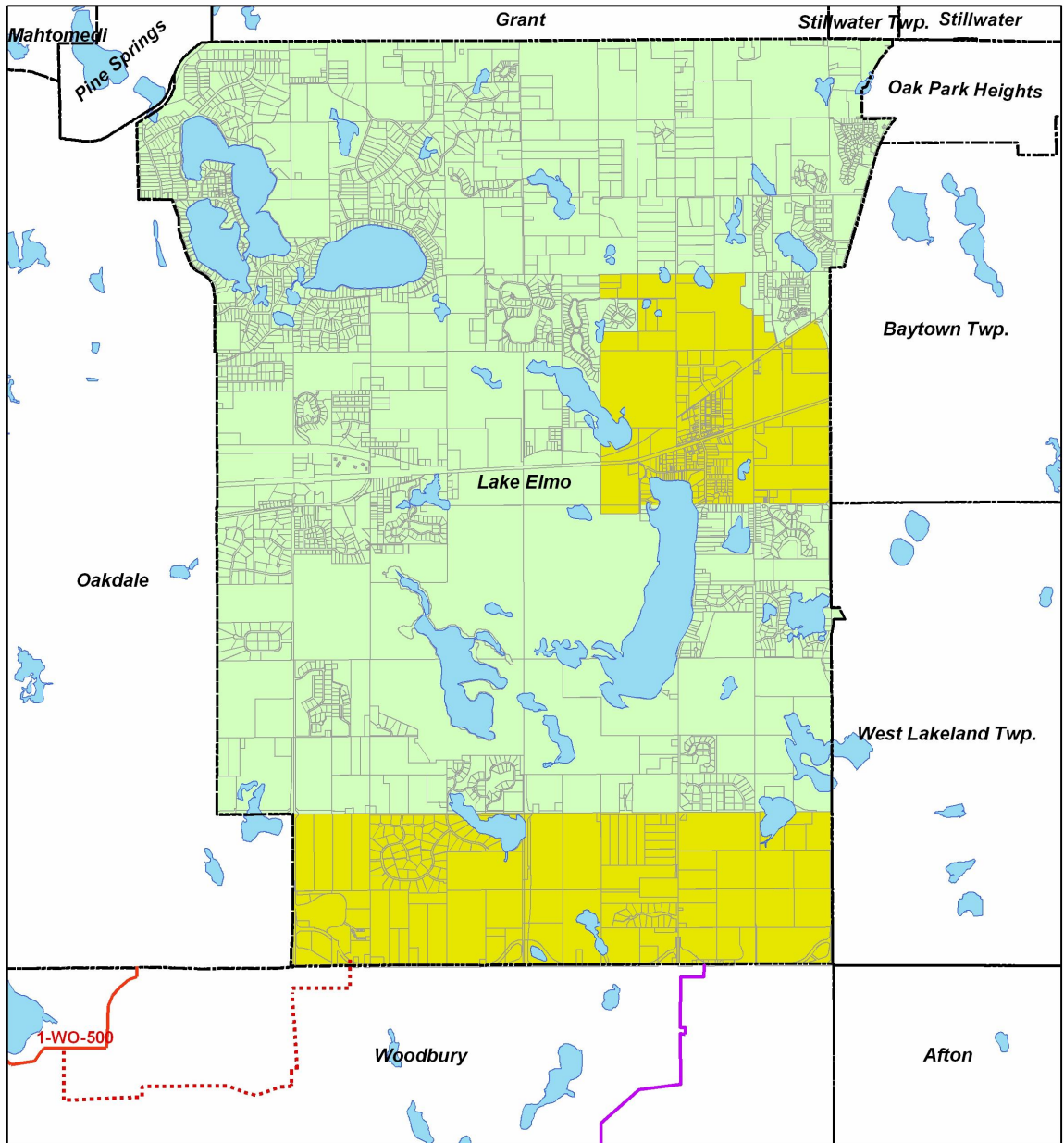
The Council also updated its priority lake list that was first developed in the 1980s as part of the *Water Resources Management Policy Plan* update. There are four priority lakes, DeMontreville, Olson, Jane, and Lake Elmo, in Lake Elmo. The Council uses the priority lake list to focus its limited resources. The list is also used in the environmental review process. Where a proposed development may impact a priority lake, the project proposer must complete a nutrient budget analysis for the lake as part of the environmental review process.

Advisories

1. Water Supply Planning

Minnesota Statutes section 473.859, subd.3 requires cities with a municipal water supply system to develop a water supply and conservation plan and submit it to the Council for its review. Communities serving more than 1,000 people are required by Minnesota Statutes section 103G.291 to submit the emergency and conservation plan to the Department of Natural Resources. The guidelines for water supply plan updates were released in 2005. Lake Elmo needs to update its local water supply plan consistent with the new guidelines and submit the water supply plan to the Council for its review. For contents of local water supply plans, please refer to Appendix B2-c of the Council's *Water Resources Management Policy Plan*.

Lake Elmo



- Framework 2030**
- MCES Interceptor
 - ⋯ Proposed Forcemain
 - Proposed Gravity
 - Developing Area
 - Rural Residential

Lake Elmo

