

C Community Development Committee
Meeting date: November 16, 2009

E Environment Committee
Meeting date: November 10, 2009

ADVISORY INFORMATION	
Subject:	City of Birchwood 2030 Comprehensive Plan Update Tier II Comprehensive Sewer Plan Review File No. 20382-1
District(s), Member(s):	District 12, Council Member Sherry Broecker
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:

Recommendation of the Community Development Committee:

- 1. Authorize the City of Birchwood to put its 2030 Comprehensive Plan Update into effect.
- 2. Advise the City to implement the advisory comments for Water Supply.

Recommendation of the Environment Committee:

Approve the City of Birchwood’s Tier II Comprehensive Sewer Plan.

ADVISORY COMMENTS

City of Birchwood 2030 Comprehensive Plan Update and Tier II Comprehensive Sewer Plan

Review File No. 20382-1 – Council Business Item No. 2009-410

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 Birchwood (City) is located in Washington County surrounded by White Bear Lake to the north, Mahtomedi to the east and south, and the City of White Bear Lake to the west (Figure 1).

The *2030 Regional Development Framework (RDF)*, as adopted by the Metropolitan Council (Council) in January 2004, identified Birchwood as within the "Developed" geographic planning area. Figure 2 shows the designation and regional systems serving the City and surrounding area.

The City submitted its 2030 Comprehensive Plan (Update) to the Council for review to meet the Metropolitan Land Planning Act requirements (Minn. Stat. 473.175) and the Council's 2005 Systems 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 Birchwood 2030 Comprehensive Plan Update

STATUTORY AUTHORITY

The Metropolitan Land Planning Act (MLPA) requires local units of government to submit comprehensive 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 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. 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 no existing or planned regional park facilities in the City.

Transportation

Roads and Transit

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

The Update conforms to the *2030 Transportation Policy Plan (TPP)* adopted in 2004 and addresses all the applicable transportation and transit requirements of a comprehensive plan.

There are no principal or "A" minor arterials in the City. The City is within the Metropolitan Transit Taxing District and lies within Market Area III. Service options for Market Area III include peak-only express, small vehicle circulators, midday circulators, special needs paratransit (ADA, seniors), and ridesharing.

Aviation

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

The Update conforms to the TPP and is consistent with the Council's aviation policies.

Water Resources Management

Wastewater Service

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

The Update conforms to the *Water Resources Management Policy Plan* (WRMPP). The Update summarizes the City’s vision for the next 20 years or to 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 Metropolitan Wastewater Treatment Plant in St. Paul. The City is provided wastewater conveyance service through interceptor 1-WL-416. The Update projects that the City will have 370 sewer households and no sewer employees by 2030. The Metropolitan Disposal System with its planned scheduled improvements has or will have adequate capacity to serve the City’s needs.

The Update provides sanitary flow projections in 10-year increments. The rationale for the projections is given in the Update. Council staff has determined the flow projections are 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 has an ordinance that prohibits anyone from connecting and causing the direct discharge of storm water, surface water, ground water, or air conditioning condensate into the sanitary sewer. The City will consider an amendment to that ordinance to specifically prohibit the connection of sump pumps, rain leaders, and passive drain tiles to the sanitary sewer system.

Tier II Comments

The Tier II Sewer Element of the Update has been reviewed against the requirements for Tier II Comprehensive Sewer Plans for Developed communities. It was found to be complete and consistent with Council policies. Upon adoption of the Update by the City, the action of the Council to approve the Tier II Plan becomes effective. At that time, the City may implement its Update to alter, expand or improve its sewage disposal system consistent with the approved Tier II Sewer Plan. A copy of the City Council Resolution adopting its Plan 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 Rice Creek Watershed. The Rice Creek Watershed District’s watershed management plan was approved by the Board of Water and Soil Resources in 1997.

Birchwood prepared a surface water management plan (SWMP) section as part of the Update process. The SWMP was found to be consistent with Council policy and the Council’s *Water Resources Management Policy Plan*.

CONSISTENCY WITH COUNCIL POLICY

Forecasts

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

The Update's forecasts are consistent with Metropolitan Council forecast for the City (See Table 1 below).

Table 1. City of Birchwood Village System Statement Forecasts

	2010	2020	2030
Population	950	930	930
Households	370	370	370
Employment	0	0	0

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), which identifies the City as a Developed community. The RDF directs Developed communities to maintain current infrastructure; renew and improve infrastructure, buildings, and land to provide for additional growth, particularly at centers along transit corridors; and support developments that integrate land uses. In addition, Developed communities are expected to accommodate forecasted residential growth at densities of at least 5 units per acre.

As shown in Table 2, in 2008, over 80 percent of the City's land was devoted to residential uses, and the City does not have any vacant, developable parcels. The number of acres in residential use is expected to stay the same in 2030, since any additional growth will come from further subdivision of already existent residential parcels. The zoning ordinance has minimum lot sizes of 12,000 square feet and 15,000 square feet for lakeshore lots, and the City's Zoning Ordinance permits duplex dwellings. The City does not have, nor is it planning for any commercial or industrial development in the future.

As a fully developed community, the City proposes to accommodate any future development through a combination of goals and strategies that will allow further subdivision of selected larger lot parcels. The Update includes a policy to maintain the existing character of the community through the orderly growth of remaining buildable land. The City has also identified five parcels, totaling approximately 12 acres that could accommodate 18 additional buildable lots if further subdivided (see attached Figure 3). These additional lots would provide land for more than the additional 13 households forecasted for the City by 2030.

Table 2. Existing and Future Land Use

Land Use	Acres	% of Total
Parks / Open Space	13.9	6.5
Right-of-Way	25.6	12.0
Residential	174.5	81.5
TOTAL	214.0	100.0

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 City does not have a numerical share of the regional need of affordable housing. The Update provides an assessment of the housing stock, and provides goals,

policies and implementation strategies the City will use to address its local housing needs. These include working with Metro Housing and Redevelopment Authority, Minnesota Housing, and Twin Cities Habitat for Humanity to administer programs and provide resources to address lifecycle and affordable housing needs within the community.

Community and Individual Sewage Treatment Systems (ISTS)

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

The Update indicates the community is fully served by a local wastewater collection system that ultimately flows to the MCES interceptor system, and that no ISTS remain in operation.

Water Supply

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

The Update water supply plan (WSP) is consistent with the policies of the WRMP.

Advisory Comment

The Council recommends that the City continue to implement conservation programs targeted at reducing residential water use.

Resource Protection

Historic Preservation

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

The Update contains a statement related to historic preservation, which indicates there are no resources, properties or sites located in the City. The Update states that the City will create a policy of preservation should any resources or properties be designated as historic.

Solar Access Protection

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

The Update contains a section addressing solar access protection as required by the MLPA. The Update acknowledges this requirement and details the methods that the City will employ to ensure solar access for all residents.

Aggregate Resources Protection

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

The Update does not address the presence or absence of aggregate resources in the community. However, the City is nearly fully developed and *Minnesota Geological Survey Information Circular 46* does not identify the presence of any aggregate resources available for mining.

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's implementation section contains a description of the City's official controls, including zoning and other ordinances.

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

The City submitted the Update to adjacent local units of government, school districts, counties and special districts for comment on May 16, 2008. There were no compatibility issues with plans of adjacent governmental units and plans of affected special districts and school districts.

DOCUMENTS SUBMITTED FOR REVIEW:

- City of Birchwood Village Comprehensive Plan 2010 (November 19, 2008)
- Revised Update including revisions to historic preservation, land use, implementation, solar access protection, surface water management, transportation, wastewater, forecasts, parks, and Figure II (August 27, 2009)

ATTACHMENTS

- Figure 1: Location Map Showing Regional Systems
- Figure 2: 2030 Regional Development Framework Planning Areas
- Figure 3: Existing and Future Land Use

Figure 1. Location Map with Regional Systems

City of Birchwood Village

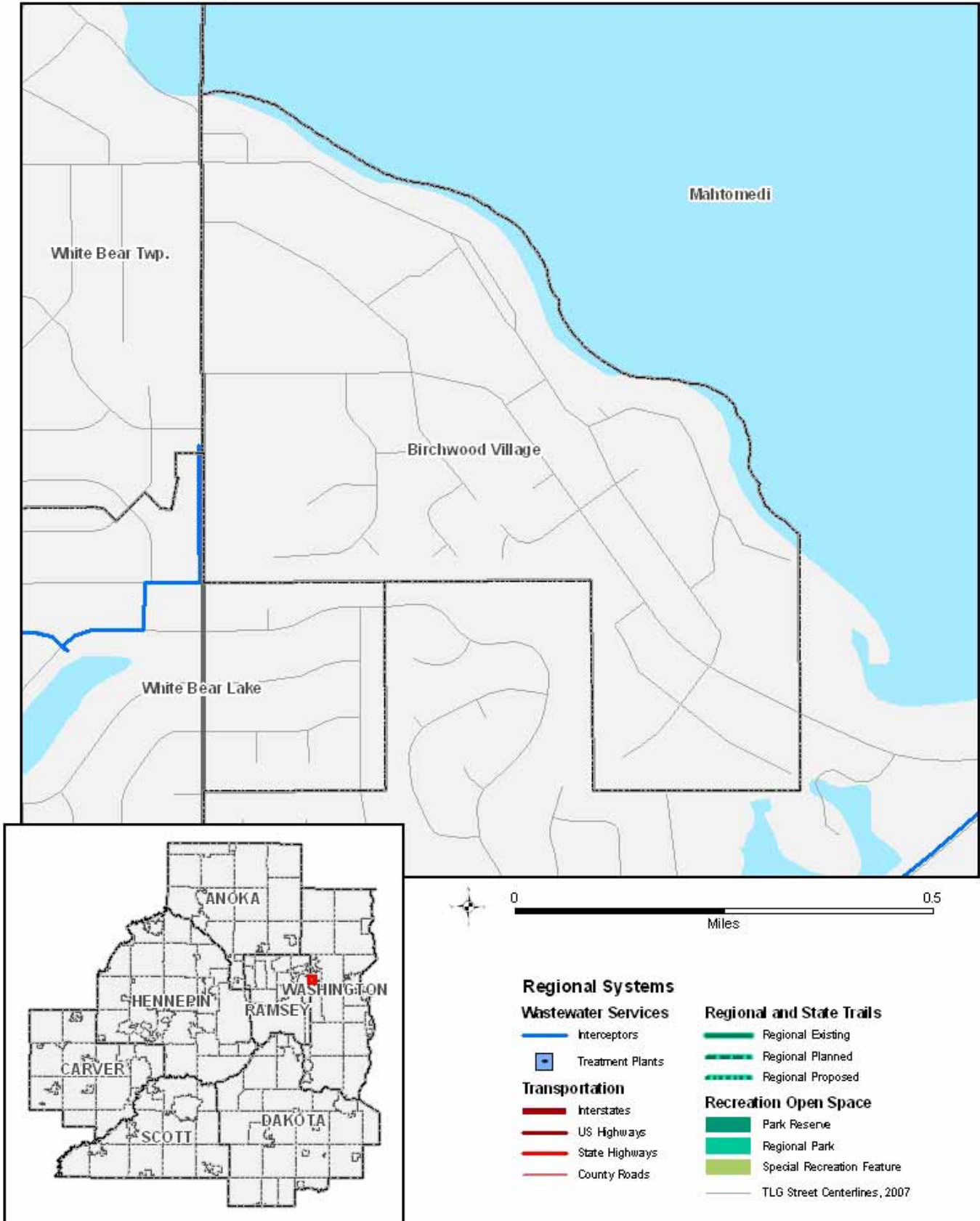


Figure 2. 2030 Regional Development Framework and Planning Areas

City of Birchwood Village



2030 Framework Planning Areas

- Agricultural Area
- Developed Area
- Developing Area
- Diversified Rural
- Non-Council Area
- Rural Center
- Rural Residential
- TLG Street Centerlines, 2007

