

**C** Community Development Committee  
Meeting date: January 19, 2010

**E** Environment Committee  
Meeting date: January 12, 2010

**ADVISORY INFORMATION**

<b>Subject:</b>	Bayport 2030 Comprehensive Plan Update Review File No. 20308-1 Tier II Comprehensive Sewer Plan
<b>District(s), Member(s):</b>	District 12, Council Member Sherry Broecker
<b>Policy/Legal Reference:</b>	Minnesota Statutes Section 473.175
<b>Staff Prepared/Presented:</b>	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
<b>Division/Department:</b>	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 Bayport to put its 2030 Comprehensive Plan Update into effect.
2. Change the planning area designation for the City of Bayport from Developing to Developed in the *2030 Regional Development Framework*.
3. Adopt the revised forecasts for the City of Bayport, as shown in Table 1 in the Review Record.
4. Advise the City to:
  - a. Implement the advisory comments in the Review Record for Aviation, Wastewater Service, Land Use, and Water Supply.
  - b. Participate in the Council's activities to monitor redevelopment in Developed communities.

**Recommendation of the Environment Committee:**

Approve the City of Bayport's Tier II Comprehensive Sewer Plan.

## **ADVISORY COMMENTS**

### **City of St. Bayport 2030 Comprehensive Plan Update and Tier II Comprehensive Sewer Plan**

Review File No. 20308-1 – Council Business Item No. 2010-21

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 Bayport is located in eastern Washington County on the St. Croix River. The City is bounded by the City of Oak Park Heights to the north and Baytown Township to the south and west. The St. Croix River and the border with Wisconsin serve as the City's eastern boundary. The *2030 Regional Development Framework* (RDF) identifies the City as a Developing geographic planning area (see Figure 2).

The City submitted its Comprehensive Plan Update (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<br>(Wastewater Services and Surface Water Management) | Yes (see Wastewater advisory comment) |

### 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

The City has received the first half of a \$20,000 planning grant from the Council to facilitate the completion of the Update. The second half will be payable upon successful completion of the Update planning process.

## Known Support / Opposition

There is no known opposition.

## REVIEW RECORD

### Review of the City of Bayport 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*. The City does not have any existing or planned regional parks or trails.

##### 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.

Although there are not any principal arterials within the City, Bayport is served by several "A" minor arterial expanders and connectors. The City is within the Metropolitan Transit Taxing District and lies within Transit 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 Council aviation policy.

###### Advisory Comments

The Update uses an out-of-date citation and should be updated with the current information. In the Aviation requirements section, the first bulleted policy should revise the MCAR citation to MN Administrative Rules – Chapter 8800 for MnDOT Aeronautics where 8800.1200 addresses the definition of potential obstructions to

navigable airspace.

## **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 or to year 2030. It includes growth forecasts that are consistent with the Council’s expectations for forecasts for population, households, and employment.

Current wastewater treatment services are provided to the City by the Metropolitan Council Environmental Services. Wastewater generated within the City is conveyed and treated at the Metropolitan Council’s St. Croix Valley Wastewater Treatment Plant located in Stillwater. The City is provided with wastewater conveyance service through interceptor 9101. The Update projects that the City will have 1,500 sewered households and 6,300 sewered employees by 2030. The Metropolitan Disposal System with its scheduled improvements has, or will have, adequate capacity to serve the City’s growth needs.

The Update provides sanitary flow projections in 10-year increments. The rationale for the projections is given in the Update and determined appropriate for planning for local services.

The City has been identified as a community impacted by wet weather occurrences. The City is currently on the Council’s list of communities having an I/I reduction goal. The City has committed to mitigate excessive I/I at levels equal to the Council’s Surcharge amount. The Update includes a description of a reduction plan, which includes televised inspections to identify and address I/I issues in the sanitary sewer system. The City has an ordinance prohibiting the discharge of any stormwater or surface water to the sanitary sewer system. The City will amend this ordinance to include sump pumps and drain tiles, and will develop a program to help ensure that properties remain in compliance.

### Advisory Comments

The Update identifies activities related to the investigation and inspection of the public wastewater collection system. It indicates that system improvements or repairs will be made once sources of I/I are identified. The City was first identified by the Council as a community with excessive I/I in 2007, and has been notified that it must mitigate its excessive peak flow discharges to the Metropolitan Disposal System. For 2010, which is the fourth year in the Council’s 5-year regional I/I program, the City has proposed additional investigative efforts.

Since being placed on the Council’s list of communities having excess I/I in 2007, the City has not notified the Council of any system improvements that eliminated I/I sources. In 2013, the Council will implement a Demand Charge that will be applied to communities whose peak flow discharges exceed Council standards. Without mitigation of excess peak flow discharges, the City increases its risk of being assessed a Demand Charge in the future.

### ***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 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 is consistent with the WRMPP for local surface water management. The City lies within the Middle St. Croix Watershed. The Board of Water and Soil Resources approved the Middle St. Croix Watershed Management Organization’s latest watershed management plan in 2005.

The Council reviewed the City’s Local Surface Water Management Plan (LSWMP) under separate cover. The LSWMP has been found to be consistent with Council policy and with the WRMPP.

## **CONSISTENCY WITH COUNCIL POLICY**

### **Forecasts**

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

The Update, with supplemental materials, is consistent with Council expectations for forecast-related content.

The Update includes a City-requested revision of population forecasts, discussed with Council staff in February 2008. Council staff support the population revisions as better representing the City’s composition. For each decennial milestone, 1,400 of the population are assumed to be institutional population (prison), with the balance living in the City’s households.

Council staff find the forecast revisions in Table 1 to be reasonable and acceptable. Metropolitan Council’s forecasts will be officially revised, as shown below, effective upon Council action on the Update.

**Table 1. City of Bayport Revised Forecasts**

	<b>2010</b>	<b>2020</b>	<b>2030</b>
Population	4,250	4,650	5,150
Households	1,140	1,300	1,500
Employment	5,200	5,700	6,300

Shown in Table 2 below are the Council’s System Statement forecasts for the City.

**Table 2. 2005 System Statement Forecasts**

	<b>2010</b>	<b>2020</b>	<b>2030</b>
Population	4,600	5,300	6,000
Households	1,140	1,300	1,500
Employment	5,200	5,700	6,300

### **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 classifies the City as a Developing community. Developing communities are expected to accommodate growth, support centers along corridors, and encourage the development of communities where shopping, jobs, and a variety of housing choices co-exist by design. Developing communities are also expected to accommodate sewer residential growth at a net density of 3 to 5 units per acre.

The City is approximately 1,126 acres, with an additional 50 gross acres to be added

through orderly annexation by 2030. The City is nearly fully developed, having identified approximately 170 acres of land as being available for residential development. With less than 15% of the community available as developable land, the Update focuses on infill and redevelopment in the community. As such, The City is recommended to be designated as a Developed community in the RDF, rather than as a Developing community. The goals and policies in the Update are consistent with those identified by the RDF for Developed communities.

The City intends to accommodate forecasted growth through reguiding about 11 acres of Public/Institutional land to Multi Family (4.5 to 15 units per acre) and through infill and redevelopment in other portions of the community. The City has identified approximately 169 acres of vacant land within the Residential and Multi Family land use categories that could accommodate infill development. The Inspiration Development in the southwestern part of the community is planned to ultimately have 328 housing units on 77 net acres (4.2 units per acre), of which 50 are currently constructed. The City anticipates the remaining 278 units of this development to be constructed within the 2030 planning horizon.

As shown in Table 3 below, the City’s planned land use will occur at a minimum net density of 3.28 units per acre. This density is consistent with the Council’s policy for sewer residential development. While the City has not guided any land in this Update for High Density, the Update indicates that this designation would support multiple family dwellings in areas of infill development at 14.6+ units per acre through the use of a planned unit development (PUD).

**Table 3. Residential Density Calculation for Planned and Infill Areas**

Category	Density Range		Net Acres**	Min Units	Max Units
	Min	Max			
Residential	2.5	4.4	147	368	647
Multi Family	4.5	15	33	148	495
Residential - Inspiration*	3.8	9.9	77	328	328
TOTALS			257	844	1469
<b>Overall Density</b>				<b>3.28</b>	<b>5.72</b>

\* Inspiration Development has been approved and is planned for a total of 328 units, both single family and multi-family. Fifty of the single-family units have been built.

\*\* Net Acres include approximately 169 acres of currently vacant land available for development in the Residential and Multi Family land use categories, with about 87% in Residential and the remainder in Multi Family.

The Update also indicates that the City will limit growth and annexation outside of the existing corporate boundaries. The City has identified a 50-acre site west of Barkers Alps Park for which the City has an orderly annexation agreement with Baytown Township. This agreement was drafted in anticipation of a development proposal, but that development has not yet been advanced by the developer. At this time, it is uncertain when that land may be annexed into the City, and the City will not actively pursue its annexation. The Update has included the property within the 2030 timeframe for planning purposes, as the City is willing to consider development proposals for this area when they come forward. The City has not provided a land use guiding for the property at this time.

Advisory Comments

The City’s planning area designation should be changed from Developing to Developed in the 2030 Regional Development Framework. The City is advised to revise those portions of the Update that refer to the City’s designation accordingly.

The City is advised that it will need to submit a comprehensive plan amendment to the

Council for review at such time that land is annexed and land uses designated for these areas.

## **Housing**

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

The Update fulfills the housing planning requirements of the Metropolitan Land Planning Act. The Update acknowledges the City's share of the region's affordable housing need for 2011-2020, which is 29 units.

The Update states that the City is fully developed, with little vacant, developable land available, so opportunities to meet that need will be addressed primarily through infill and redevelopment efforts. The Update indicates that approximately 11 acres of land will be available for multifamily residential development, at 4.5-14 units per acre, with the potential for higher density development (14.6+ units per acre) through the use of a planned unit development (PUD). In addition, there are currently 121 higher density (4-10 units per acre) single-family units within the rebuilt Croxidale senior housing complex that are anticipated to be developed within the next few years.

The Update provides the implementation tools and programs that the City will use to promote the opportunities to address its share of the region's affordable housing need. The City will continue to partner with Washington County HRA to address lifecycle and affordable housing needs. The Update also indicates that the City will continue to work with local, state, and federal agencies to facilitate affordable housing development. The City is a participant in the Local Housing Incentives program of the Livable Communities Act.

## **Community and Individual Sewage Treatment Systems (ISTS)**

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

The Update indicates that there are approximately 40 ISTS operating in the City. The City has delegated oversight of their ISTS management program to Washington County. The County's ordinance and program are consistent with MPCA Rules and with Council policy requirements.

## **Water Supply**

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

The Update is complete and consistent with the WRMP for water supply. The Update includes a 2030 projected water demand of 218.5 million gallons per year. The City calculated the average residential per capita demand over the past 5 years to be 68.6 gallons per day. The Update indicates that the City has several conservation measures in place, including time of day water restrictions, bill inserts, and media releases.

### Advisory Comments

The Council recommends that the City continue to implement its existing conservation measures and to continue to assess other conservation opportunities.

## **Resource Protection**

### **Historic Preservation**

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

The Update addresses historic preservation in the community through the establishment of policies and implementation strategies to protect and preserve historic resources and architecture. The Update details the City's policy to establish design guidelines and to provide financial incentives for renovation and replacement to maintain the area's historic architecture and historic neighborhoods. The Update also indicates that the City will consider developing an historic preservation ordinance to further those efforts.



**Solar Access Protection**

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

The Update appropriately addresses the protection of access to solar energy as required by the MLPA in the Land Use section of the plan. The City recognizes a need to go beyond the protection of access to solar energy to more general energy conservation due to the developed nature of the community.

**Aggregate Resources Protection**

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

The Update identifies, consistent with *Minnesota Geological Survey Information Circular 46* data, the presence of viable aggregate resources in the City. The Update further states that mining is currently taking place in the south and southwest portions of the City. Most remaining aggregate resources are overlain by an on-going conservation development and surrounding land that will be held in perpetuity as part of a conservation land trust.

**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 Program, which describes the official controls and fiscal devices that the City will employ to implement the Update, with specific steps and strategies discussed in other sections of the Update.

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

The City submitted it’s Update to the adjacent communities, county and affected school districts, affected watershed districts, and other special districts for comment on February 1, 2008. There do not appear to be any conflicts with the plans of adjacent and affected jurisdictions.

**DOCUMENTS SUBMITTED FOR REVIEW**

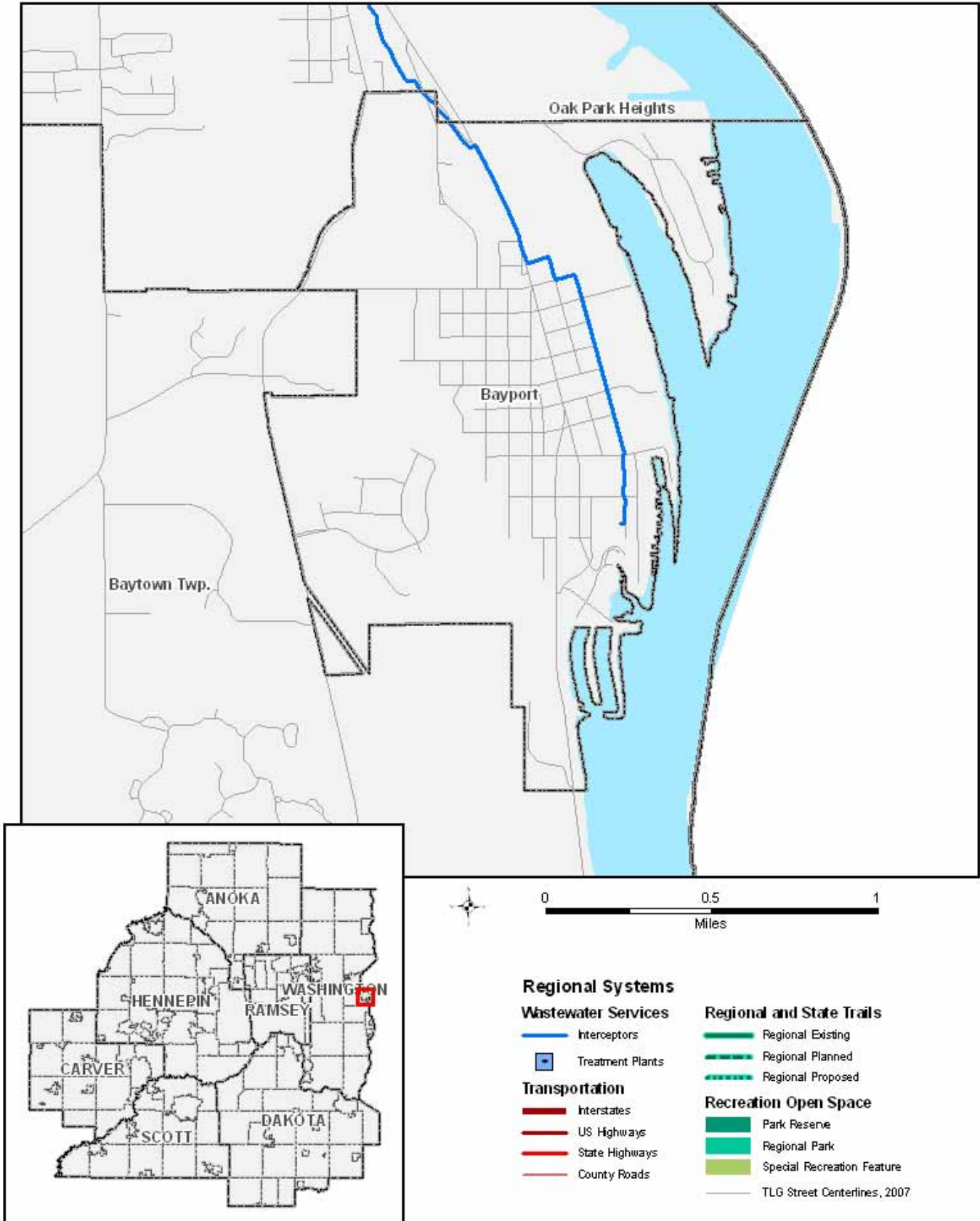
- Comprehensive Plan Update for City of Bayport, Minnesota (August 7, 2008)
- Revisions to the water resources section (December 15, 2008)
- Revisions to land use, housing, transportation, and wastewater sections (February 6, 2009)
- Revised Functional Classifications and ADT map (March 17, 2009)
- Revisions to wastewater section (November 5, 2009)

**ATTACHMENTS**

- Figure 1: Location Map with Regional Systems
- Figure 2: 2030 Regional Development Framework Planning Areas
- Figure 3: Existing Land Use
- Figure 4: 2030 Future Land Use
- Figure 5: Planned Land Use in 5-Year Increments

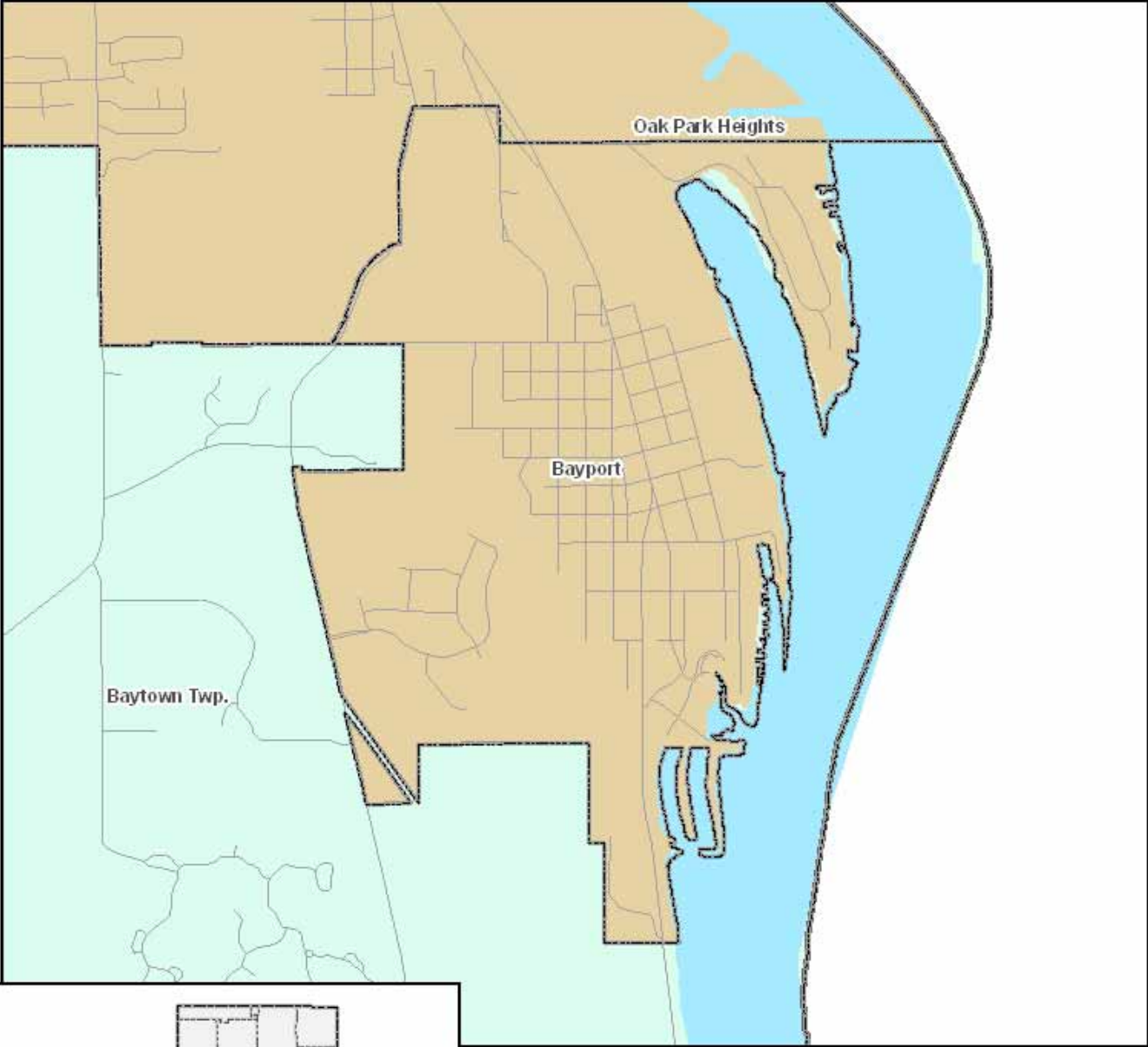
**Figure 1. Location Map with Regional Systems**

City of Bayport



**Figure 2. 2030 Regional Development Framework and Planning Areas**

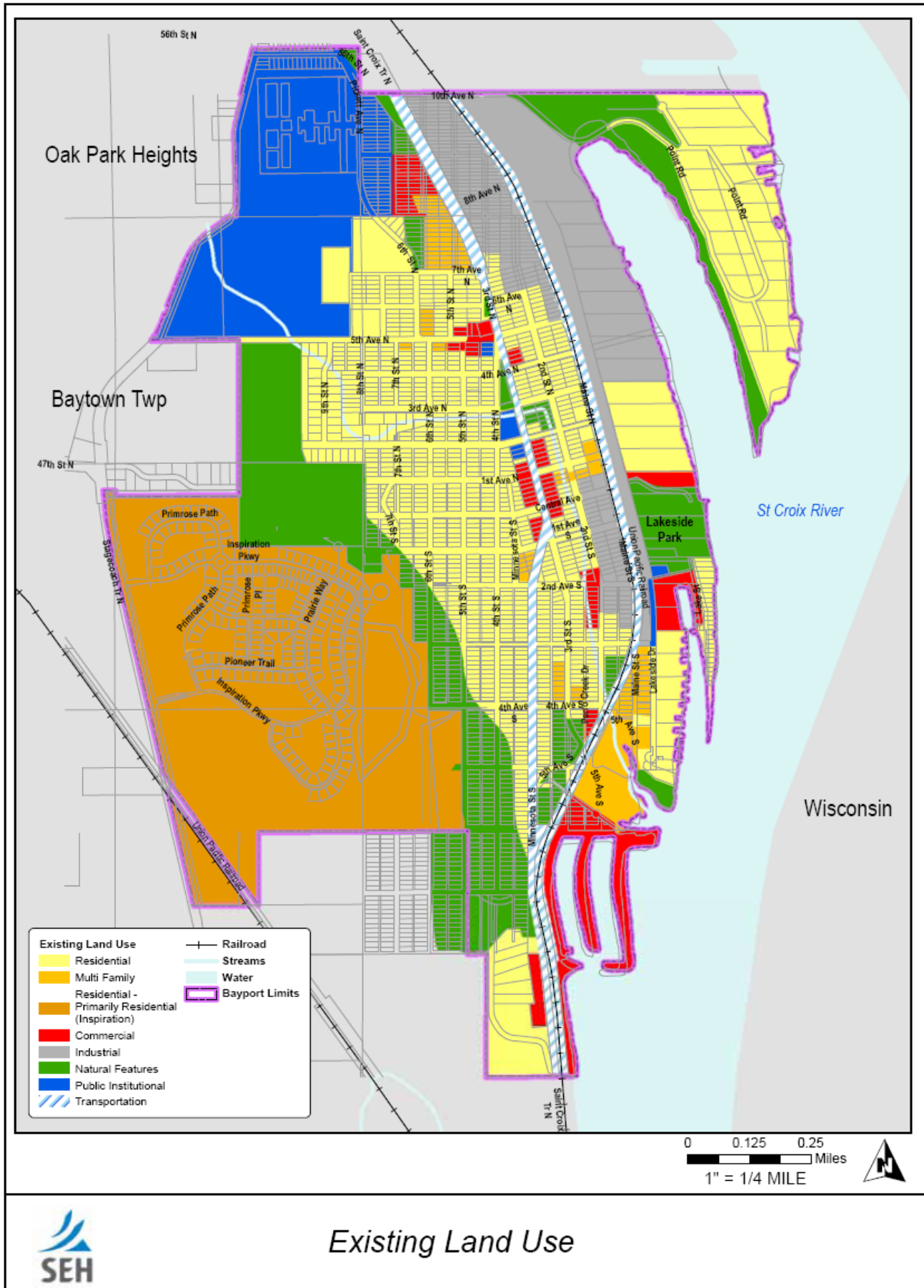
City of Bayport



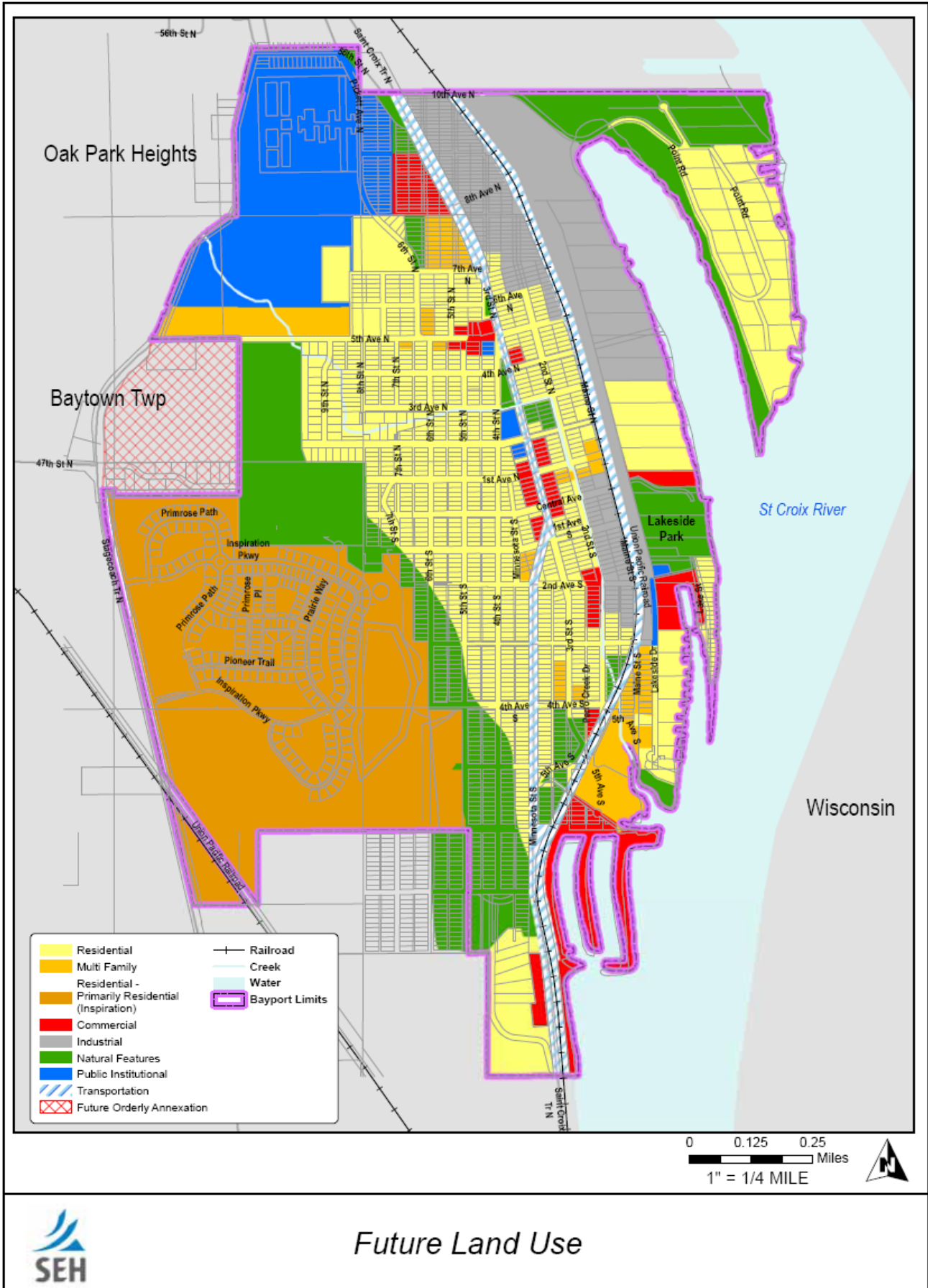
**2030 Framework Planning Areas**

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

**Figure 3. Existing Land Use**  
City of Bayport



**Figure 4. 2030 Future Land Use**  
City of Bayport



### Figure 5. Planned Land Use in 5-Year Increments

City of Bayport

Existing and Planned Land Use Table (in acres)

Within Urban Service Area	Allowed Density Range Housing Units/Acre		Existing (2000)	2010	2015	2020	2025	2030	Change 2000-2030
	Minimum	Maximum							
<b>Residential Land Uses</b>									
Residential	2.5	4.4	269	255	255	255	255	255	-14
Multi Family	4.5	14	30	41	41	41	41	41	11
Residential - Primarily Residential* (Inspiration)	3.8	9.9	77	77	77	77	77	77	0
<b>C/I Land Uses</b>									
	Est. Employees/Acre								
Commercial	7.87 Employees/Acres		46	47	47	47	47	47	1
Industrial	6.25 Employees/Acres		99	99	99	99	99	99	0
<b>Public/Semi Public Land Uses</b>									
Institutional			102	90	90	90	90	90	-12
Parks and Recreation			328	342	342	342	342	342	14
Roadway \ Utility Rights of Way			136	136	136	136	136	136	0
Railroad			26	26	26	26	26	26	0
Annexation Area								50	
<b>Subtotal Sewered</b>			<b>1113</b>	<b>1113</b>	<b>1113</b>	<b>1113</b>	<b>1113</b>	<b>1163</b>	<b>50</b>
<b>Undeveloped</b>									
Wetlands	--	--	13	13	13	13	13	13	0
<b>Total</b>			<b>1126</b>					<b>1176</b>	