



CITY OF LAKE ELMO
3800 LAVERNE AVE
LAKE ELMO, MN 55042

Phone: (651) 777-5510

Fax: 777-9615

www.LakeElmo.Org

Lake Elmo City Council

MEETING NOTICE

Council Chambers
Lake Elmo City Hall

**The Meeting Scheduled for
Council Committees at 5:30 p.m. has been**

CANCELLED and ITEMS POSTPONED

Until December 13, 2005 at 5:30 p.m.

Monday, November 7, 2005, 6:00 p.m.

AGENDA

1. Comprehensive Plan Workshop
- *****

September 26, 2005

Charles E. Dillerud, Planner
City of Lake Elmo
3800 Laverne Avenue
Lake Elmo, MN 55042

RECEIVED
SEP 28 2005

RE: Response to Required Comprehensive Plan Modifications
City Of Lake Elmo Comprehensive Plan -2030-
Metropolitan Council Review File No. 18608-1
Metropolitan Council District 12, Chris Georgacas

Dear Mr. Dillerud:

The Metropolitan Council received your application for review of the *City of Lake Elmo's Comprehensive Plan* on September 6, 2005. This City-wide comprehensive plan amendment is intended to address the comprehensive plan modifications required by the Metropolitan Council in Resolution 2003-10, the terms of the 2005 Memorandum of Understanding, and Metropolitan Council Resolution 2005-20.

Provision 3.(a) of Resolution 2005-20 states among other things that:

The City's plan update will not be "complete" for Metropolitan Council review purposes until all adjacent governmental units and affected school districts have either provided comments to the City or failed to provide any responses or comments to the City within sixty (60) days after the City submitted the plan to the adjacent governmental unit or affected school district.

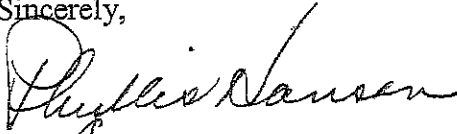
The information form accompanying the comprehensive plan amendment indicates that copies of the plan were sent to adjacent local governments on August 26, 2005. There was no indication of whether affected school districts were sent copies at the same time. The Council requests that the City confirm the date when copies of the comprehensive plan amendment were sent to affected school districts.

While the Council cannot officially begin its review until adjacent local governments and affected school districts have had an opportunity to review and comment on the amendment, the Council would like to begin a preliminary review dialogue with you. To that end, the enclosure identifies plan components that were found to be incomplete during an initial review of the application. While the 60-day adjacent jurisdiction review is under way, the Council requests that the City provide the supplemental information necessary to ensure the comprehensive plan amendment application is complete for review.

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Charles E. Dillerud
September 26, 2005

If you need further clarification or guidance about the missing information, please feel free to contact me or Bob Mazanec, Principal Reviewer-Sector Representative.

Sincerely,

A handwritten signature in cursive script, appearing to read "Phyllis Hanson".

Phyllis Hanson
Local Planning Assistance Manager

cc: Chris Georgacas, Metropolitan Council District 12
Blair Tremere, Community Development Director
Mark Vander Schaaf, Planning and Growth Management Director
Bob Mazanec, Sector Representative-Principal Reviewer
Cheryl Olsen, Reviews Coordinator

V:\REVIEWS\Communities\Lake Elmo\Letters\Lake Elmo 2005 60day letter 050926.doc

Enclosure
Letter to Charles E. Dillerud
September 26, 2005

Initial review by Metropolitan Council staff finds that the *City Of Lake Elmo Comprehensive Plan -2030-* amendment application is incomplete. Continued review of the plan amendment will be dependent upon receipt of the following information:

Aviation

The comprehensive plan amendment application should include "The Village Land Use Plan", including land use and development staging-timing maps, and the Village Area "Green Belt" strategies and implementation measures should be defined as concerns airport protection.

Although Lake Elmo Airport is not located within the City, Lake Elmo is within the airport influence area where planning considerations for airport height and land use safety zoning, aircraft noise compatibility, and infrastructure needs generally apply. In addition, the City is within the region's general airspace that needs to be protected from potential obstructions to air navigation. The surface water of Lake Elmo is designated as a permitted seaplane use area under state rules.

Land use safety zones and airport height zoning deal with very discrete boundaries, both horizontally and vertically. Thus, a well defined land use plan and use designation is a necessary condition to determine aviation system compatibility. The Village Area plan and the greenbelt in particular are not included or described in sufficient detail to make determinations on system impacts and protection measures.

Sewage Treatment

The *City Of Lake Elmo Comprehensive Plan -2030-* should indicate how many individual sewage treatment systems (ISTS) operate within the City, modify the Community Treatment System information in Table 22 and Figure X to be internally consistent, and incorporate an overview of the City's ISTS management program.

Adequate data is provided about collective ISTS systems but not about individual ISTS systems. In particular, the number of individual systems is not included. Also, the ordinance in the Appendix indicates that all systems must be pumped at least every two years but does not provide information on the City's maintenance tracking system to insure necessary maintenance is performed by homeowners. The City allows the siting of community wastewater treatment systems that utilize wetland treatment technology, but Figure X and Table 22 provide inconsistent data about the number of existing wetland systems.

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Enclosure
Letter to Charles E. Dillerud
September 26, 2005

Regional Parks

The comprehensive plan amendment is not complete for review until it includes the Washington County Greenway Regional Trail on the "Existing Park and Recreation Facilities" map.

Staff recognizes that the City is in the process of updating the trails system plan component of its comprehensive plan and that it is not complete at this time. However, the Existing Park and Recreation Facilities map identifies the location of a regional trail in the far northwest corner of the City, the Gateway State Trail. The Washington County Greenway Regional Trail should be included as well.

The City state during the initial 2002 Metropolitan Council review of Lake Elmo's 2020 comprehensive plan update that the omission of this proposed regional trail in its plan map was an oversight. At that time the City stated that it would change its map to show a proposed north-south regional trail that would connect Big Marine Regional Park in the north part of the county to Lake Elmo Regional Park Reserve in the central part of the county to Cottage Grove Ravine Regional Park in the south part of the county.

Land Use—Alternative Densities

The City Of Lake Elmo Comprehensive Plan -2030- amendment application should provide two alternative sets of density ranges for residential land within the 2030 Metropolitan Urban Service Area (MUSA) and reflect the other requirements of Metropolitan Council Resolution 2005-20, provision 3.(i). While the 2030 city plan indicates that in the event growth expectations are not achieved the city will work cooperatively with the Council to devise a remedial plan for the ensuing five years, the plan does not fully reflect the requirements of provision 3.(i) of Metropolitan Council Resolution 2005-20 (copy attached).

Land Use—Village Plan

To be complete for review, the land use element of the comprehensive plan amendment application should include the Village Land Use Plan and Green Belt subarea plan. There are numerous references in the city plan application to the effect that all development and redevelopment within the Village Area and Green Belt shall be responsive to the adopted Village Plan. Given the prominence of the Village Area in the City's comprehensive plan, the City needs to include the Village Plan as a more detailed subarea comprehensive plan element, or integrate more Village Plan details into the land use element.

The Council has not previously reviewed the Village Plan, and so the comprehensive plan application needs to incorporate enough details to determine its conformance with regional systems and consistency with Council policies. Not only is this necessary as noted in the

aviation comments above, but the specifics of land use and development staging-timing in the Village and Greenbelt areas are needed to fully evaluate implications for other metro systems and how low- and moderate-cost housing opportunities will be provided.

Housing

The City's plan as submitted needs revision and additional information to comply with comprehensive plan requirements regarding low and moderate-income set forth in the Land Planning Act. The city's plan states all the pre-2011 sewerred growth will be in Old Village, but it does not delineate any of the residential land uses that will be in place in the Old Village for the balance of this decade. Because of this, the Council cannot fairly assess whether Lake Elmo is providing the opportunity for the development of new rental or affordable owner-occupied housing through 2010.

The Land Planning Act (LPA) requires local governments to address at least two issues regarding low and moderate-income housing needs in preparing their local comprehensive plans. They must identify in their plan their share of the regional need for low and moderate-income housing, and they must prepare an implementation section of the plan that identifies how they will address this share of the regional need. The plan amendment does neither.

In employing the same housing goals methodology other communities used in preparing their 1998 comprehensive plan updates, the Council expects Lake Elmo to set goals consistent with the housing benchmarks identified for other urbanizing communities in the Northeast St. Paul planning sector of the region. The plan would then identify a sufficient amount of sewerred land guided for medium and high density development pre-2011 to accommodate those goals.

The Council would expect to see Lake Elmo applying its goals to the new sewerred units in the city's Old Village neighborhood, and thus, guiding land there at a density that could facilitate opportunities for affordable units. The benchmarks for Lake Elmo applied to its forecasted sewerred growth would yield the expectation of more than 100 rental units requiring land guided for at least medium density, but more likely high density residential development. Of the remaining owner-occupied units, the affordable share of such units would likely require the guiding of 41 to 46 acres at a medium density of 5 or 6 units per acre.

But the above-noted land use planning deficiency is only a part of the LPA's housing implementation plan responsibilities. The law requires the identification of the programs and fiscal devices the city will use or others may use within Lake Elmo to advance affordable housing pre-2011. The potential role the Washington County HRA can play in helping Lake Elmo work toward its share of the region's needs could be mentioned as could the various programs and development assistance tools from the Minnesota Housing Finance Agency or

the federal government such as the programs of HUD, tax-exempt revenue bonds, or low-income housing tax credits.

Citywide Growth Forecast Comparisons

The only discrepancy in growth forecasts is 2020 employment. The city plan shows 2,650 employment, and the *2030 Regional Development Framework* revised forecasts show 7,200.

Households

	2010	2020	2030
MOU	na	na	na
Res. 2005-20	3619	6324	8727
2030 RDF Rev.	3619	6324	8727
Lake Elmo Plan	3619	6324	8727

Employment

	2010	2020	2030
MOU	na	na	na
Res. 2005-20	na	na	na
2030 RDF Rev.	2250	7200	14000
Lake Elmo Plan	2250	2650	14000

Population

	2010	2020	2030
MOU	TBD	TBD	24000
Res. 2005-20	9952	18403	24000
2030 RDF Rev.	9952	18403	24000
Lake Elmo Plan	9952	18403	24000

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METROPOLITAN COUNCIL

Mears Park Centre • 230 East Fifth Street • Saint Paul, Minnesota 55101

RESOLUTION NO. 2005-20

**GRANTING THE CITY OF LAKE ELMO'S REQUEST TO EXTEND THE TIME
WITHIN WHICH THE CITY MUST ADOPT A LOCAL COMPREHENSIVE PLAN
WITH REQUIRED MODIFICATIONS AND ATTACHING REASONABLE
REQUIREMENTS AND CONDITIONS TO THE EXTENSION**

WHEREAS, in February 1997 the Metropolitan Council submitted to the City of Lake Elmo a system statement that advised the City of the Metropolitan Council's recently adopted policy planning documents and metropolitan system plans and identified population projections and other planning elements the City should incorporate into its plan as the City fulfilled its decennial review obligations under section 473.864 of the Metropolitan Land Planning Act; and

WHEREAS, Minnesota Statutes section 473.864, subdivision 2 required all metropolitan-area cities to review and, if necessary, amend their entire comprehensive plans, fiscal devices and official controls by December 31, 1998 to ensure local plans conformed with metropolitan system plans and ensure fiscal devices and official controls did not conflict with local comprehensive plans or permit activities that conflict with metropolitan system plans; and

WHEREAS, the City's comprehensive plan update was submitted to the Metropolitan Council on August 24, 2001 and its proposed plan update was deemed complete for Metropolitan Council review purposes in February 2002; and

WHEREAS, at its September 11, 2002 regular meeting the Metropolitan Council found that the City's proposed plan update may substantially depart from and may have a substantial impact on metropolitan system plans; and

WHEREAS, pursuant to Minnesota Statutes section 473.866, the City requested a contested case hearing on the Metropolitan Council's September 11, 2002 decision; and

WHEREAS, on March 13, 2003 the administrative law judge concluded the Metropolitan Council has the statutory authority to require modifications to local comprehensive plans that substantially depart from or have a substantial impact on metropolitan system plans and recommended the Metropolitan Council require the City of Lake Elmo to modify its comprehensive plan; and

WHEREAS, on April 9, 2003, the governing body of the Metropolitan Council adopted Resolution No. 2003-10 and made its "final decision" with respect to modifications the Metropolitan Council deemed necessary to ensure the City's proposed plan update did not have a substantial impact on or contain a substantial departure from metropolitan system plans; and

WHEREAS, the City appealed the Metropolitan Council's "final decision" to the Minnesota Court of Appeals and ultimately the Minnesota Supreme Court; and

WHEREAS, on August 5, 2004 the Minnesota Supreme Court concluded the Metropolitan Council has the statutory authority to require modifications to the City's proposed plan update and affirmed the Metropolitan Council's "final decision," and judgment was entered September 30, 2004; and

WHEREAS, Minnesota Statutes section 473.864, subdivision 1 requires local governmental units to adopt comprehensive plans with required modifications within nine months following a final decision, order, or judgment made pursuant to Minnesota Statutes section 473.866; and

WHEREAS, the Metropolitan Council preferred to engage the City in negotiating an amicable resolution of the issues, rather than strictly imposing the modifications in Resolution No. 2003-10 as authorized by the Supreme Court's order; and

WHEREAS, representatives of the City and the Metropolitan Council subsequently met to discuss how the City might modify its proposed plan update to accommodate local and regional issues that were the subject of Metropolitan Council Resolution No. 2003-10 and the Supreme Court's decision; and

WHEREAS, on January 27, 2005 the Mayor of Lake Elmo and the Chair of the Metropolitan Council signed a Memorandum of Understanding, subsequently ratified by their respective governing bodies, that outlined certain criteria for guiding the City and the Metropolitan Council as the City modified its proposed plan update to ensure conformity with metropolitan system plans; and

WHEREAS, Paragraph 8 of the Memorandum of Understanding required the City to complete its plan update modifications by April 15, 2005, submit its plan update to adjacent communities by April 15, 2005, and submit its plan update with required modifications to the Metropolitan Council on or before June 15, 2005 and prior to June 30 when the statutory nine-month plan modification period expired; and

WHEREAS, the City did not meet the April 15 and June 15 deadlines stated in the Memorandum of Understanding and did not adopt a plan update with required modifications by the statutory June 30, 2005 deadline; and

WHEREAS, Minnesota Statutes section 473.869 authorizes local governmental units to request that the Metropolitan Council extend the time for fulfilling the requirements of Minnesota Statutes sections 462.355, subdivision 4, 473.175, and 473.851 to 473.871; and

WHEREAS, local governmental units requesting an extension under Minnesota Statutes section 473.869 must describe the activities previously undertaken by the local unit in fulfillment of the pertinent planning statutes and explain the reasons necessitating and justifying an extension request; and

WHEREAS, on June 27, 2005 the Lake Elmo City Council approved Resolution No. 2005-067 which describes activities the City has undertaken to prepare a modified plan update

pursuant to the January 27, 2005 Memorandum of Understanding and states that it was not possible for the City to complete its amended comprehensive plan update with required modifications within the statutory nine-month period; and

WHEREAS, the City states in Resolution No. 2005-067 that it requests the Metropolitan Council to grant the City an extension from June 30, 2005 to August 31, 2005 for submittal of its proposed plan update to adjacent governmental units and school districts, and an extension from June 30, 2005 to September 30, 2005 for submittal of its updated comprehensive plan to the Metropolitan Council; and

WHEREAS, pursuant to Minnesota Statutes section 473.869 the Metropolitan Council may "in its discretion" grant by resolution a request for extension upon a finding of "exceptional circumstances or undue hardship" and "may attach reasonable requirements or conditions to the extension"; and

WHEREAS, it is appropriate and necessary to attach certain conditions and requirements to this time extension to ensure the Memorandum of Understanding is successfully implemented over time and ensure costly regional infrastructure is used effectively and efficiently; and

WHEREAS, Minnesota Statutes section 473.175, subdivision 3 authorizes the Metropolitan Council to commence civil proceedings by appropriate legal action in district court to enforce the provisions of the Metropolitan Land Planning Act if a local government does not adopt a plan with modifications required pursuant to Minnesota Statutes section 473.866 within nine months following a final decision, order, or judgment made pursuant to section 473.866; and

WHEREAS, further delay in adopting a plan update with required modifications will cause additional inconveniences and costs, unnecessary expenditures of scarce public resources, and uncertainty for residents of the City and the Metropolitan Council's planning processes for its regional systems; and

WHEREAS, it will cost the Metropolitan Council additional time, resources and money if the City does not adopt a plan update with required modifications within a reasonable period of time and the Metropolitan Council must commence civil proceedings in the district court to enforce the provisions of the Metropolitan Land Planning Act and the September 30, 2005 judgment in the Minnesota Supreme Court's August 2005 decision.

NOW THEREFORE, BE IT RESOLVED:

1. Pursuant to Minnesota Statutes section 473.869, the Metropolitan Council finds there are exceptional circumstances and undue hardship in this case for the following reasons:
 - (a) Since the 1976 passage of the Metropolitan Land Planning Act, the Lake Elmo matter is the first time a local governmental unit and the Metropolitan Council were not able to resolve their differences over comprehensive planning matters through discussion and negotiation. Both the City and the Metropolitan Council have found it necessary to devote extra time, resources and effort to this unique planning process.

- (b) The plan modifications required of the City represent, in some cases, significant changes from historical land use patterns and planning practices within the City.
 - (c) Making significant changes to historical land use patterns and long-standing planning practices sometimes can be politically difficult and time-consuming.
 - (d) Following the November 2004 city elections, three new members were elected to the Lake Elmo City Council and a new mayor was elected.
2. Pursuant to Minnesota Statutes section 473.869, the Metropolitan Council finds that it is appropriate to grant the City's request for an extension of the time within which the City must adopt a plan update in accordance with the Metropolitan Land Planning Act and the Minnesota Supreme Court's decision, and consistent with the January 27, 2005 Memorandum of Understanding. Subject to the conditions set forth below, the City's request for an extension is granted as follows:
- (a) The City must complete its plan update as soon as possible and must submit the proposed plan update to adjacent governmental units and affected school districts no later than August 31, 2005; and
 - (b) The City must submit a plan update with required modifications to the Metropolitan Council for review no later than September 30, 2005.
 - (c) Within thirty (30) days after the Metropolitan Council takes action on the City's plan update the City must finally adopt its plan update with modifications (if any) required by the Metropolitan Council to ensure the plan update is consistent with the Memorandum of Understanding, the requirements and conditions of this time extension, and metropolitan system plans.
3. Pursuant to Minnesota Statutes section 473.869, the following reasonable requirements and conditions are attached to the extension:
- (a) The City's plan update will not be "complete" for Metropolitan Council review purposes until all adjacent governmental units and affected school districts have either provided comments to the City or failed to provide any responses or comments to the City within sixty (60) days after the City submitted the plan to the adjacent governmental unit or affected school district.
 - (b) The City's plan update must be consistent with the January 27, 2005 Memorandum of Understanding for those items addressed in the Memorandum of Understanding. For those matters that are not expressly addressed in the Memorandum of Understanding, the plan update must be consistent with the Metropolitan Land Planning Act and metropolitan system plans. The Metropolitan Council did not waive any regional land use policies in its regional policy documents or metropolitan system plans regarding land use planning, and the City must comply with and prepare a plan update consistent with the metropolitan system plans.
 - (c) Pursuant to Minnesota Statutes section 473.865, subdivision 3, within nine (9) months after the adoption of its modified plan update the City must amend all

official controls that conflict with its comprehensive plan to ensure City zoning ordinances, subdivision controls, site plan regulations and other official controls and fiscal devices do not conflict with the City's comprehensive plan or permit any activity in conflict with metropolitan system plans. Pursuant to Minnesota Statutes section 473.865, subdivision 1, the City must submit copies of the official controls to the Metropolitan Council within thirty (30) days following adoption.

- (d) The City will actively participate in the Metropolitan Council's plat monitoring program.
- (e) If the City does not prepare and submit by September 30, 2005 a plan update consistent with the Memorandum of Understanding and the requirements and conditions attached to this time extension and if the Metropolitan Council commences an enforcement action pursuant to Minnesota Statutes section 473.175, subdivision 3 or other law, the City will pay the Metropolitan Council's costs and expenses, including reasonable attorney fees, and will not contest a judicial action by the Metropolitan Council to compel compliance.
- (f) This time extension does not constitute a waiver of the Metropolitan Council's right to commence civil proceedings under Minnesota Statutes section 473.175. If the City does not prepare and adopt a plan update with required modifications according to the time schedule stated in this extension, the Metropolitan Council may consider the Memorandum of Understanding terminated and may seek to compel compliance with the original plan modifications that were the subject of the Minnesota Supreme Court's August 5, 2004 decision and September 30, 2004 judgment.
- (g) The City must stage its sewer development consistent with Metropolitan Council policy requiring local governmental units to hook up to the regional wastewater disposal system within two (2) years after regional wastewater service is made available.
- (h) The Metropolitan Council's commitments in the Memorandum of Understanding to make regional sewer service available to the City via the WONE Interceptor (December 2006) and the Cottage Grove Interceptor (Phase I; December 2007) were based on the assumption that the City would submit its proposed plan update by June 15, 2005. Accordingly, the schedules for providing regional sewer service stated in the Memorandum of Understanding will be adjusted as follows to reflect the time extension requested by the City: the Metropolitan Council will plan to have regional sewer service available through the WONE Interceptor within eighteen (18) months after the date the City finally adopts an updated plan consistent with the Memorandum of Understanding and the conditions and requirements of this extension; and will plan to have regional sewer service available through the Cottage Grove Interceptor (Phase I) within thirty (30) months after the date the City finally adopts an updated plan consistent with the Memorandum of Understanding and the conditions and requirements of this extension.

- (i) The City's updated plan will provide that when the Count of Population and Household data from the 2010 U.S. Census are available, and every five years thereafter through 2030, the Metropolitan Council will determine whether the population, household and residential equivalent unit (REC) levels in the City meet the City's commitments under the Memorandum of Understanding and reflected in the City's adopted comprehensive plan. Those population, household and REC levels are summarized in the following growth staging table and must be incorporated as part of the City's updated plan submitted to the Metropolitan Council for review by September 30, 2005, as well as the revised or updated plan the City will submit to the Metropolitan Council in connection with the upcoming decennial review under Minnesota Statutes section 473.864:

	Households	Population	RECs*
2010	3,619	9,952	515 (all residential)
2015	5,114	14,064	1,930 (1,650 residential, 280 employment)
2020	6,324	18,403	3,120 (2,500 residential, 620 employment)
2025	7,524	21,895	4,310 (3,350 residential, 960 employment)
2030	8,727	24,000	5,500 (4,200 residential, 1,300 employment)

* Not counting Cimarron, existing Village, existing Eagles Point

The City's updated plan shall state and expressly provide actions required to implement and complete the growth staging specified in the preceding growth staging table shall be implemented automatically without the need for comprehensive plan amendments.

For years ending in "0" the determination of households and population will be based on U.S. Census data; for years ending in "5" this determination will be based on official estimates by the Metropolitan Council. If the City's growth falls short of its population commitments, the Metropolitan Council will notify the City regarding the level of the shortfall and the additional housing units needed to make up the shortfall.

The City's updated plan will clearly specify the remedial actions, approved by the Metropolitan Council, that will be triggered if the City fails to meet its committed growth in population or RECs. The plan shall provide that these remedies, once triggered, shall be self-executing without the need for further City Council action other than appropriate and necessary revisions to official controls. Remedies shall include, but are not limited to, the following:

- (i) Automatic adjustment of the growth staging table to reflect the growth of households, population, and RECs needed to meet the population commitments the City agreed to under the Memorandum of Understanding. The adjusted growth staging table, upon approval of the Metropolitan Council, shall be deemed to be immediately incorporated in the City's

comprehensive plan. This remedy includes appropriate and timely modification of official controls, e.g., zoning and subdivision ordinances which are consistent with the comprehensive plan, in accordance with state law, to implement the comprehensive plan.

- (ii) If the City does not meet its population commitment in 2010, its household commitments for 2015, 2020, 2025, and 2030 shall each be adjusted upward by an amount equal to the difference between the committed population and the actual population in 2010, multiplied by 0.5. This process shall be repeated in 2015, 2020, 2025, and 2030. Housing units added under this provision shall be added at an average density of at least 3 units per acre.
- (iii) If the City does not meet its REC commitments in 2010, it shall pay to the Metropolitan Council a "wastewater inefficiency fee" (WIF) to help pay the operation, maintenance, and capital costs of underutilized regional wastewater infrastructure and the costs of providing regional sewer service for development elsewhere in the region that would have occurred within the City. A determination will be made on the number of deficient RECs by subtracting actual RECs from the committed RECs identified in the adopted comprehensive plan. A WIF shall be paid for every deficient REC and will be due on the dates specified below:

Time Frame	WIF per Each Deficient REC	Payment Date
2007-2010	\$2,600	January 31, 2011
2010-2015	\$4,200	January 31, 2016
2015-2020	\$5,200	January 31, 2021
2020-2025	\$5,500	January 31, 2026
2025-2030	\$5,700	January 31, 2031

If the City achieves the committed number of RECs after a WIF is assessed to the City, a service availability charge (SAC) credit will be granted for each deficient REC for which a WIF was assessed. The SAC credit will be granted at the end of each five-year staging period.

In addition, the City's updated plan shall provide that all residential land within its 2030 Metropolitan Urban Service Area (MUSA) is guided at two alternative density ranges. The first density range shall be of the City's choosing, provided that: the minimum density is at least three units per acre, consistent with density standards in the metropolitan system plans; and, the totality of residential areas intended for sewered development will accommodate at least 4,200 new residential RECs. The second density range shall be equal to the first range plus at least three additional units per acre. The first density range will be established until April 30, 2011. The Metropolitan Council will notify the City by February 15, 2011 regarding the status of the City's REC commitment as of December 31, 2010. If the City achieves its commitment for residential RECs as of December 31, 2010, the first density range automatically will be reestablished in the City's comprehensive plan until April 20, 2016. If the City does not achieve its commitment for residential RECs as of December 31, 2010, the City may designate

one acre for each REC the City is short, to be guided at the second alternative density range. If the City does not act to designate acres to be regulated at the second density range by April 30, 2011, the second density range automatically will be established for all of the residential land in the 2010-2015 staging area of the 2030 MUSA. The same process will be repeated for 2015, 2020 and 2025, and remedial action as described will be taken by April 30 of 2016, 2021 and 2026.

- (j) The City must comply with the decennial review provisions of Minnesota Statutes section 473.864, subdivision 2 and, after receiving a system statement from the Metropolitan Council, must review and, as necessary, update its local comprehensive plan no later than December 31, 2008. The plan update that is the subject of this extension is not the decennial plan review and update the City must complete by December 31, 2008 pursuant to Minnesota Statutes section 473.864, subdivision 2.
- (k) The City must plan for a total citywide population of 24,000 as outlined in the Memorandum of Understanding and land use planning to accommodate that total population must be timely and consistent with density standards and other provisions of the metropolitan system plans. The City may exercise its judgment about where and how the 24,000 population will be accommodated within the City consistent with the Memorandum of Understanding but the City's plan update must reflect the City's obligation to produce and maintain an average residential density of at least three (3) dwelling units per acre in all sewered areas of the City.
- (l) The City must timely submit to the Metropolitan Council, as required by Minnesota Statutes section 473.513, copies of applications for permits to alter or improve the City's local sewer system as well as design data and location maps of the projects.
- (m) The City must cooperatively work with the Metropolitan Council and adjacent governmental units to plan for and implement regional sewer service to support sewered development within the City.
- (n) Conditions beyond the control of the City, such as a severe reduction in housing construction in the region's Developing Communities, due to a protracted downturn in the economy or a long-term recession, may adversely affect the City's ability to meet its population, household and REC commitments. Accordingly, if the City has been unable to meet its population, household, and REC commitments because of adverse economic conditions, the City may petition the Metropolitan Council for a modification of the growth staging components of the plan and the conditions and requirements of this time extension if, after the end of a five-year staging period, the following circumstance is verified: the City's production of population, households and RECs, as a percentage of the population, household and REC commitments stated in the growth staging table, equals or exceeds the region's Developing Communities' production of population, households and RECs as a percentage of the region's Developing Communities' forecasted population, households and RECs. If the City's right to petition is triggered and the City petitions the Metropolitan Council for modifications, the Metropolitan Council will not unreasonably deny the petition.

4. This time extension is subject to the City's acceptance and compliance with all the requirements and conditions stated in Paragraph 3. It is the Metropolitan Council's expectation that the City's plan update submitted to the Metropolitan Council for review will reflect these conditions and requirements.
5. Metropolitan Council staff will provide to the City appropriate and reasonable technical and advisory assistance to help the City complete its plan update modifications and review processes by August 31, 2005 and submit a modified plan update to the Metropolitan Council on or before September 30, 2005.
6. The Metropolitan Council will work with the City in an effort to resolve these important planning and metropolitan system issues in a cooperative and collaborative manner.

Adopted this 27th day of July, 2005.

Peter Bell, Chair

Pat Curtiss, Recording Secretary

LAKEELMOEXTENSIONRESOLUTION



Department of Transportation
and Physical Development

Donald J. Theisen, P.E.
Director/County Engineer

Wayne H. Sandberg, P.E.
Deputy Director/Ass't. County Engineer

October 27, 2005

RECEIVED
OCT 31 2005

Cheryl Olsen
Reviews Coordinator
Metropolitan Council
230 E. Fifth St.
St. Paul, MN 55101-1634

LAKE ELMO 2030 COMPREHENSIVE PLAN

Dear Ms. Olsen:

Washington County's Transportation and Physical Development Department has reviewed Lake Elmo's 2030 Comprehensive Plan and have the following comments:

- **Chapter 2, City-Wide Planning Policy, Transportation (page II-5)-** The plan should recognize the function of State Highway 5, Manning Avenue (County State Aid Highway 15), Inwood Avenue (County State Aid Highway 13), and 10th Street North (County State Aid Highway 10), as minor arterial facilities and, as such, through routes which accommodate trips originating both within and outside of Lake Elmo. Lake Elmo Avenue's (County State Aid Highway 17) function as a major collector road must also be recognized. While we support efforts to mitigate the effects of high-speed through traffic in the Old Village area, any efforts to do so must accommodate those trips to maintain the integrity of the transportation system.

The City's support of an expressway status for State Highway 36 is not consistent with the Trunk Highway 36 Corridor Management Plan, which designates it as a future freeway through Lake Elmo. Washington County supports efforts to grade-separate access to State Highway 36 to improve safety and capacity.

The location of transit facilities in the City must be made in collaboration with the Metropolitan Council, as ridership demographics and needs must be considered on a wider level than the City itself.

The City's stated goal of "design(ing), construct(ing), and maintain(ing) the minimum acceptable grid system of collector streets", may place an undue burden on the arterial system. A system of collector streets that is carefully planned and above the minimum standard may take pressure off the arterial system and delay or even eliminate the need for costly expansion projects with unwanted impacts on the arterial system.

- **Chapter 4, Housing Element, Inventory-** The text refers to "pre-1980" units while Table 4 refers to "pre-1960" and "pre-1970" units. Consistency between the text and table would give clearer understanding of the housing stock of the City.

Also, the volumes for Hudson Boulevard might be misinterpreted as being volumes for I-94 and could be labeled to avoid confusion.

- **Chapter 8, Transportation Plan, Year 2010 Conditions, 1. Future Background Traffic Projections (Page VIII-3)-** Regarding the 20- year traffic projection factors used in this analysis, Washington County has submitted higher factors to the Minnesota Department of Transportation. On Inwood Avenue North (CSAH 13) between I-94 and 10th Street North (CSAH 10) we use a projection factor of 2.8, which yields growth of 5.3% per year. On Inwood Avenue, from 10th Street North to Stillwater Boulevard (CSAH 6) we use a projection factor of 2.0, which yields 3.5% growth per year. These figures were derived by combining traffic studies for the Eagle Point Business Park, development traffic studies in the City of Oakdale, and ITE trip generation figures for developable land adjacent to the road. We suggest that the plan use these higher factors and review them for use on other arterial highways.
- **Chapter 8, Transportation Plan, Capacity Analysis-** We concur with the conclusions of the capacity analysis. However, the Plan proposes no strategy for mitigation of roadway capacity deficiencies. Implementing roadway capacity improvements is a collaborative process between the local government and the road authority (in the case of deficiencies identified in the Plan, the road authority would be either the Minnesota Department of Transportation or Washington County). As development occurs, the City should preserve right of way corridors where future capacity deficiencies have been identified, at widths defined by the road authorities. Accepted access spacing standards must be applied to developments so that capacity can be preserved and so that access will not need to be limited when capacity is expanded.
- **Chapter 8, Transportation Plan, 3. Residual Roadway Deficiencies-** We interpret the term "residual deficiencies" to mean those that remain after capacity improvements have been made to address the deficiencies identified in the various five-year time frames analyzed in the Plan. The residual deficiencies identified assume that expansion of all roadways to address capacity deficiencies has taken place. Without delineating a strategy for addressing the original deficiencies, many of the original problems will still exist. This section states that, "Any capacity improvements will require significant investment from state, county, and/or federal sources". While this is certainly true, even improvements on State or County routes will also require significant investment by the City, in accordance with approved cost participation policies.
- **Chapter 8, Transit-** The list of transit routes on Page VIII-26 is incorrect: Route 63 no longer goes to Cimarron and Route 352 no longer is in service.

Page three
Letter to Cheryl Olsen
October 27, 2005

If commuter rail service is considered, the size and location of a park and ride facility will need to be carefully considered, with the County and Metropolitan Council. A viable park and ride facility may be incongruous with the goals the City has for the Old Village area.

- **Chapter 9, Park Plan, C. Park Development-** Washington County's Comprehensive Plan identifies a north/south regional trail system through the City. The opportunity exists to plan for local trail connections to this system and should be recognized in the plan.
- **Chapter 9, Park Plan, D. Maintenance-** We recommend adding the removal of invasive species from the City's parks to provide a healthy, natural habitat.
- **Chapter 9, Park Plan, F. Parkland Classification- *Regional Parks*-** STANDARDS: 1. Lake Elmo Regional Park Reserve should be correctly identified.
- **Chapter 9, Park Plan, F. Parkland Classification- *Conservancy Open Space Areas*-** POLICIES: Particular effort should be made to remove invasive species, such as buckthorn, to improve the natural features of these areas.
- **Chapter 9, Park Plan, F. Parkland Classification- *Trails*-** STANDARDS: A goal of trail widths of 10-feet would help ensure compliance with the Americans with Disabilities Act standards, MN/DOT, and DNR standards. We suggest adding to the "POLICIES:" section language encouraging the City to work with Washington County to determine appropriate trail connections to and through Lake Elmo Regional Park Reserve.

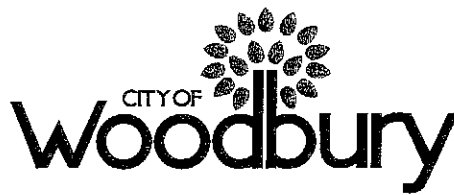
We appreciate the opportunity to comment on this important plan. Please contact me if you have questions or comments.

Sincerely,



Donald J. Theisen, P. E.
Director/County Engineer

c: Martin Rafferty, Lake Elmo City Administrator
Washington County Commissioners
Jim Schug, Washington County Administrator
Wayne Sandberg, Assistant County Engineer



8301 Valley Creek Road • Woodbury, Minnesota 55125-3300 • www.ci.woodbury.mn.us
651/714-3500 • TDD 651/714/3568 • FAX 651/714/3501

October 14, 2005

RECEIVED
OCT 18 2005

Chuck Dillerud
City Planner
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, MN 55042

Re: Comments on Lake Elmo Comprehensive Plan

Dear Mr. Dillerud,

Thank you for submitting Lake Elmo's 2030 Comprehensive Plan to the City of Woodbury for our review. The Woodbury City Council reviewed your city's comprehensive plan at its October 12th meeting. The city's main comments are summarized in the bullets below, with a more detailed description of these comments contained in the following paragraphs.

Land Use/Staging

- Staging should be consistent with the Memorandum of Understanding.

Parks and Trails

- The plan should acknowledge and support the regional trails proposed along County Roads 19 and 17.

Transportation

- The plan relies solely on the regional system and does not provide a local complimentary system.
- The plan should acknowledge the potential addition of an interchange at the Lake Elmo Avenue/Settlers Ridge Parkway location.
- The plan should acknowledge the regional park and ride facility that is proposed for Lake Elmo.

Sanitary Sewer

- A metering facility should be used to ensure proper cost allocation of the regional sewer system between the communities.
- Land uses within the WONE area should ensure capacity is maintained for future Woodbury development.

Water System

- Discrepancy in list of major water users should be corrected.
- Additional detail should be provided regarding water use reduction strategies.

Stormwater Management

- Woodbury is very sensitive to increased rates and volumes and peak flows with a potential for flooding and as such the plan should incorporate South Washington Watershed District (SWWD) standards for new development and redevelopment.
- Due to the later staging of development in the SWWD drainage area, the City of Woodbury would like to see the regional storage ponds installed prior to development to alleviate flooding potential.

Background

The Lake Elmo 2030 Comprehensive Plan was prepared in response to the Memorandum of Understanding between the City of Lake Elmo and the Metropolitan Council. The memorandum outlines criteria that need to be considered by Lake Elmo in the preparation of their comprehensive plan, including the commitment to add 6,500 new Residential Equivalent Units of regional sewer service and a population of 24,000 by the year 2030.

Staging and Land Use: The Lake Elmo Comprehensive Plan involves an expansion of the Metropolitan Urban Service Area (MUSA) and includes a staging plan that shows when these areas will be developed and limits the total annual household and employment growth. The land use plan reflects Lake Elmo's desire to preserve its rural character and historic downtown area. Much of the area in Lake Elmo along the Woodbury border is guided as SRD 3.5 (Sewered Residential Development 3.5 unit density), although there are two business park areas identified. One is near the Inwood Avenue/Radio Drive and I-94 interchange and the other is located between Lake Elmo Avenue/Settlers Ridge Parkway and Manning Avenue along I-94.

The areas proposed to be serviced by sanitary sewer include the area between the I-94 freeway and 10th Street and an area including the Old Village and some of the surrounding area. The land use plan is consistent with the City of Woodbury's plans for the development for our northern border and the City of Woodbury does not have any concerns or comments about the land use plan.

Parks, Trails and Open Space: The Comprehensive Plan should acknowledge and support the efforts to provide future inter-community regional trail systems along County Road 19 and also at Settlers Ridge Parkway/County Road 17.

Transportation: The Lake Elmo transportation plan appears to rely solely on the regional system for its transportation needs and does not have or propose a complimentary local street system to work with the regional system. The plan does not analyze the impact of local land uses on the regional system and what role the City of Lake Elmo will play in fixing any problems that arise in the future. There is no discussion in the plan regarding what steps will be taken to address or mitigate transportation issues other than to rely on other agencies (county, state and federal) to do so. Similarly, the plan does not include a Capital Improvement Program (CIP) identifying future capital improvements that may be needed. Because this affects the regional system it also affects Woodbury.

Woodbury will be evaluating the need for additional access to the I-94 freeway, especially in the Settlers Ridge Parkway/Lake Elmo Avenue vicinity. This is another example of a local system that is complimentary to the regional system. Lake Elmo's plan should acknowledge this potential

improvement and should reference the importance of working together with adjoining communities like Woodbury to improve collector streets that interconnect the two communities.

In regard to transit, the Lake Elmo plan does not acknowledge the Metropolitan Council's plans to add a park and ride facility along I-94 in Lake Elmo. This acknowledgement should be added to the Comprehensive Plan.

Sanitary Sewer: The Lake Elmo plan shows the Old Village being the first to utilize the Northeast Lift Station between 2005 and 2010, while the areas along I-94 are not staged for development until later years. It also shows that the manufactured home park (Cimarron) will eventually be able to hook up to the sanitary sewer system. The timing of adding land to the MUSA should be consistent with the Metropolitan Council Environmental Services timing.

A metering facility should be used to ensure that cost allocation for these regional sanitary sewer services can be made and ongoing operation, maintenance and treatment costs can be properly allocated between the two communities.

As a regional partner in the Northeast Lift Station, Woodbury is pleased to assist the region in bringing services to Lake Elmo, but we need to ensure that our needs are met too. The service plan shows the western portion of Lake Elmo as being served by the WONE Interceptor. The land uses in this area should ensure that capacity for future Woodbury development in the WONE area is maintained and that additional flows from the Lake Elmo land uses will not jeopardize Woodbury's future needs.

Water Supply and Distribution System: In Chapter 7, Water Supply, on page VII-2 it is stated that there were no users in 2004 that consumed more than 5% of the total water production. However, two users are listed that each accounted for 5.5% of 2004 sales. This may simply be a typo, but the discrepancy should be addressed.

In the section on water conservation, there is considerable discussion regarding the importance of reducing water consumption. A list of water demand reduction procedures for emergency situations is outlined, but no long-term water conservation strategy practices are listed. We suggest additional detail be provided regarding how Lake Elmo proposes to achieve their target goal of 10% water use reduction per capita. Common techniques include odd-even watering, progressively increasing water rates as use increases, and aggressive enforcement of ordinance requirements. The Comprehensive Plan should be more specific in regard to the water conservation strategies, techniques and approaches that the City of Lake Elmo will take to meet its conservation objectives.

The Comprehensive Plan should also acknowledge and address future interconnection of water systems between adjacent communities for potential use as a contingency supply system in an emergency situation. Such a reference should be incorporated into the plan.

Stormwater Management: In Chapter 5, Water Resources, on page V-1 it is correctly pointed out that the area of Lake Elmo within the South Washington Watershed District (SWWD) drains to an area in Woodbury that is very sensitive to increased rates and volumes of runoff as well as peak flows. The SWWD has established criteria for allowable storm water runoff rates and volumes that will prevent flooding in Woodbury. On page V-4 under the bullet entitled "Water Quantity Goal"; a

policy is identified to establish standards for storm water runoff quantity from new development and redevelopments consistent with the Valley Branch Watershed District, Washington County, and NPDES Phase II requirements. The potential for flooding in Woodbury is great if the SWWD criteria for new developments or redevelopments in Lake Elmo are not met, as was demonstrated during the recent 100-year storm event. Due to the later staging of development in the SWWD drainage area, the City of Woodbury would like to see the regional storage ponds installed prior to development to alleviate flooding potential. The City of Woodbury strongly suggests that the SWWD be added to the list of agencies whose rules and proposed standards will be applied to new development and redevelopment.

Thank you for allowing the City of Woodbury to review and comment on Lake Elmo's 2030 Comprehensive Plan. Please feel free to contact the Woodbury staff if you have any questions about the above comments.

Sincerely,

A handwritten signature in black ink, appearing to read "William J. Hargis". The signature is stylized with a large, looped "W" and a cursive "Hargis".

William J. Hargis
Mayor of Woodbury

C Bob Mazanec, Metropolitan Council Sector Representative



NORTHWEST ASSOCIATED CONSULTANTS, INC.

4800 Olson Memorial Highway, Suite 202, Golden Valley, MN 55422
Telephone: 763.231.2555 Facsimile: 763.231.2561 planners@nacplanning.com

October 14, 2005

RECEIVED
OCT 17 2005

Ms. Cheryl Olsen
Reviews Coordinator
Metropolitan Council
230 East Fifth Street
St. Paul, MN 55101-1634

RE: Oak Park Heights – Lake Elmo Comprehensive Plan Review
FILE NO: 798.04 – 05.03

Dear Ms. Olsen:

The City of Oak Park Heights is in receipt of the Lake Elmo 2030 Comprehensive Plan for review and comment. The City adjoins Lake Elmo at its westerly border, just to the south of Highway 36 to 55th Street North.

The City Council of the City of Oak Park Heights reviewed the Lake Elmo Comprehensive Plan at its October 11, 2005 meeting. At that meeting, the City Council directed staff to submit comments in regards to land use and utility planning for this area. Their comments are as follows:

The City of Oak Park Heights, as part of its Comprehensive Plan Update in 1998, had programmed that area west of Kern Center, south of Highway 36, and east of Manning Avenue as a possible annexation area. The City had done this in that it was included as part of the Metropolitan Urban Sewer Area (MUSA) and the City had received petitions from property owners in the area to detach from Lake Elmo and be annexed into Oak Park Heights to be provided with municipal services. In 1998, the Municipal Board allowed the City to annex the Kern Center, but not the area to Manning Avenue.

The 2030 Lake Elmo Future Land Use Plan programs the subject area as RAD, Rural Agricultural Density, with a density of 0.45 dwelling units per acre. Additionally, their staging plan for sewer extension to 2030 does not plan for any sewer above 45th Avenue. It is expected that this area in Lake Elmo will remain as unsewered, low density residential property.

Ms. Cheryl Olsen
October 13, 2005
Page Two

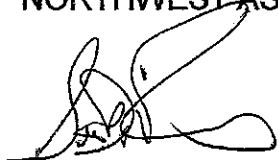
The area east of Manning Avenue and south of Highway 36 is no longer included in the 2020 MUSA, but programmed as Rural Residential. The City of Oak Park Heights has always seen this area, especially that area directly adjacent to Highway 36 as potential commercial development area. The area across Highway 36 in the City of Stillwater is part of the 2020 MUSA and is planned for commercial development.

The City of Oak Park Heights is in the position to provide municipal services in this area if requested by the property owners. The City requests that this option remain open to the City of Lake Elmo for potential detachment and for the Metropolitan Council to extend the 2020 MUSA line in this area consistent to where it previously was drawn.

The City Council would like to thank the City of Lake Elmo and Metropolitan Council for allowing comments on the plan. If you have any questions, please do not hesitate to contact me or Eric Johnson, City Administrator, at 651.439.4439.

Sincerely,

NORTHWEST ASSOCIATED CONSULTANTS, INC.

A handwritten signature in black ink, appearing to read 'Scott D. Richards', is written over a horizontal line.

Scott D. Richards, AICP
Senior Planner

c: Charles Dillerud