



# City of Lake Elmo

651/777-5510

3800 Laverne Avenue North / Lake Elmo, MN 55042

City of Lake Elmo  
3800 Laverne Avenue North

## Special City Council Meeting

May 27, 2009  
7:30 p.m.

1. Approval of Agenda
2. Discussion of Process for Amendment to the Land Use Chapter of the Comprehensive Plan
3. Other
4. Adjourn



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City Council  
Date: 5/19/09  
**Regular**  
Item: 7

ITEM: Discuss Process for Comprehensive Plan Amendments  
REQUESTED BY: City Council  
SUBMITTED BY: Kyle Klatt, Planning Director *mark*  
REVIEWED BY: Craig Dawson, Interim City Administrator  
Kelli Matzek, City Planner

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**SUMMARY AND ACTION REQUESTED:**

The City Council has asked to review and discuss a potential timeline for moving forward with the Village planning process and potential amendments to the Lake Elmo Comprehensive Plan. With the completion of the Village AUAR process, City staff has had some initial discussions regarding the sewer plan, and is presently working to identify the future costs associated with implementation of the Village master plan and regional sewer extension project. The intent of these meetings is to help prepare for an eventual Council workshop on this topic.

As stated by the Council at its last meeting, of primary concern at present is how the Village planning will proceed with other amendments that could be made to the Comprehensive Plan (the Land Use section in particular). At this point, it is staff's recommendation that the Council update the land use section as part of a broader update to adopt one of scenarios studied under the Village AUAR as part of the Comprehensive Plan. Such an update is necessary because the Land Use Plan for the village that was adopted as part of the Comprehensive Plan is substantially different in many aspects than the accepted, but not adopted, Village Master Plan.

The purpose of this memorandum is to aid the Council's initial discussions on this topic, with the expectation that there will be, at a minimum, a future workshop to allow time for a more thorough review of these issues.

**LAND USE PLAN DISCUSSION:**

One of the key points raised by the Council has been the status of the City's Land Use Plan (Chapter 3 of the Comp Plan) and whether or not to proceed with minor updates to this plan along with the sections that need to be submitted by May 29<sup>th</sup>. The Land Use Plan was submitted with the City's January 2006 Comprehensive Plan update, and was accepted by the Metropolitan Council on April 12, 2006 with the following comment:

*In its review, the [Metropolitan] Council concluded that the plan revisions satisfy the terms and conditions of Metropolitan Council Resolution 2005-20 and the January 27, 2005 Memorandum of Understanding. Further, it conforms to current Regional Policy Plans for Recreation, Open Space, Transportation-Aviation, and Wastewater Services in all major respects...*

*The review also found that during preparation of the update of your 2008 comprehensive plan the City should address a number of matters regarding surface water management, roadways,*

*transit, airports, and parks and open space as described in the review and analysis section of the report.*

The final recommendation noted *"that the Metropolitan Council allow the comprehensive plan entitled 'City of Lake Elmo Comprehensive Plan 2030' to be placed into effect with no required modifications and forward the attached report as the official review record"*.

These statements point towards the Comprehensive Plan elements that the City has presently been reviewing and intending to submit to the Met Council in order to comply with the City's 2030 update requirements. Based on this language, the Met Council will not require that the Land Use Section to be updated as part of the 2008 submissions. The expectation that has been stated to city staff is that the 2008 updates must be consistent with the accepted Land Use Plan. Given this expectation, the Council should note the following:

- As staff has drafted the 2008 updates to the Transportation Plan, Surface Water Management Plan, Water Supply Plan, and other elements, the overall demographic information related to projected total population, households, and sewer REC units has been carried forward into these documents. Since these are community-wide plans, the specific details concerning how the population is distributed in the City is not as critical in order to develop a sound plan. At the implementation stage, these details become much more important.
- The concerns expressed by the Council regarding the Land Use Section have thus far been specific to the Village area. The overall totals for population, households, and REC units have not been questioned and presumably would not be altered with any amendments to the Land Use Section. The allocation of new housing units throughout the City could be discussed by the City Council either now or as part of the Village plan amendment.
- Any changes to the land use section that alter the number of housing units allocated to the Village Area under the adopted Land Use Plan would trigger a review by the Metropolitan Council. This change is not required as part of the 2008 submission.
- As part of the request for an extension and subsequent discussions with the Met Council staff, the City has made it very clear that there will be an amendment to the Land Use Section submitted as a separate update to the Comprehensive Plan in order to incorporate the Village Master Plan into the land use plan. The Planning Commission work plan for 2009 includes this project.
- Revisions to the adopted Land Use Plan that are submitted now would potentially require a public hearing at the City level, and would likely trigger a more extensive review at the Met Council level to verify conformance with the Memorandum of Understanding and other relevant documents.

Taking into account these statements, the City Council does have the authority to proceed with one of the following options:

- Incorporate minor and/or major changes to the Land Use Chapter for submission with the 2008 updates.
- Begin a process to update the Land Use Section to address concerns by the Council as a separate submission to the Met Council.
- Incorporate all of the Council's concerns and changes as part of a larger Land Use chapter update that will also include the selected Village Plan and related development scenario.
- Although the Council always has the option to develop an entirely new land use plan, this would signify a significant departure from the current work plan and would potentially deviate from the existing agreement with the Metropolitan Council.

Of the options listed above, staff is recommending that the Council work towards a larger land use plan update that incorporates the preferred Village scenario into the document. As a part of this process, any concerns regarding inaccuracies, confusing language, omissions, errors, or disagreements regarding the contents of the land use plan can be addressed with the final document. Although four votes are needed to adopt revisions to the Comprehensive Plan, a simple majority of the Council can initiate this process.

### **COMPREHENSIVE PLAN ISSUES:**

The Council workshop will provide time to more thoroughly discuss the process and statutory requirement for updating a Comprehensive Plan. As a brief summary, please note the following:

- As a municipality in the Twin Cities metropolitan area, Lake Elmo must update its plan every 10 years and submit this plan to the Metropolitan Council for review. After adoption of the 2008 submission, Lake Elmo will be required to submit a new plan in 2018.
- A comprehensive plan amendment may be initiated by the Planning Commission or City Council at any time outside of the metropolitan area mandates. These amendments are still subject to Met Council review.
- The City Council cannot act on a Comp Plan amendment until it has received the recommendation of the Planning Commission (or a certain amount of time has passed since it was submitted to the Planning Commission).
- The Planning Commission must hold at least one public hearing before adopting the comprehensive plan or any section or amendment to the plan. Notice of the time, place, and purpose of the hearing must be published in the official newspaper at least 10 days before the day of the hearing.
- The Council may adopt an amendment by resolution by a two-thirds vote of all its members.
- The City may adopt an interim ordinance during the time that a comprehensive plan is being considered in order to protect the planning process. Lake Elmo previously established such a moratorium in the future sewer service area, and has since adopted a permanent holding zone in these areas that will remain in effect until the zoning map is amended to a district that will allow sewer development.

One of the questions that staff has received from the Council is the degree to which a change can be made to the land use plan without requiring Planning Commission review and a public hearing. Although state law is clear that any amendment must follow the process described above, it would be reasonable to expect that the City could fix typos and other minor errors in the document without an extensive review process. For instance, if a figure that is supposed to be 10,000 is transcribed as 1,000 in the document, staff should be able to make the revision without a new hearing and lengthy review. From a difference perspective, any changes that would alter the projections for housing units or REC units or a reallocation of these units within the overall totals represent a more significant amendment and should follow the appropriate process, starting with a review and hearing conducted by the Planning Commission.

Given the history of the Lake Elmo Comprehensive Plan, it is not surprising that consistency within the document is and continues to be an issue. With the 2008 updates, staff has attempted to make sure the new sections are consistent with each other and the overall projections for population growth, housing units, and sewer service areas. As future updates are submitted, the City will have additional opportunities to improve consistency across all sections of the plan, and to adjust any figures as necessary to achieve this objective. Based on the agreements that have been reached between the Metropolitan Council and the City of Lake Elmo, the total population (households) and sewer REC units provided are the most critical elements that must remain consistent with the City's systems statement.

The allocation of units within this framework, while relevant in terms of maintaining adequate densities to support sewer development, are not as critical from the perspective of the Met Council.

To further summarize the requirements for proceeding with an amendment to the Comprehensive Plan, the Council could identify changes it would like to see made to the Land Use Plan, and for any changes other than minor corrections of errors, these changes would need to be forwarded to the Planning Commission for a hearing and recommendation back to the Council. This process would be the same whether it was started six months ago and done in tandem with the required 2008 updates, started today, or is initiated by the Council in the next several weeks.

The next section attempts to bring all of this information together in the form of a discussion outline for the Council's workshop on the Comprehensive Plan and Village planning process. The outline is meant as a guide and should be revised to accommodate the direction the Council would like to take. An alternate review process (i.e. to submit land use changes by May 29<sup>th</sup>) could be discussed, but would alter the approach being recommended below.

#### **WORKSHOP DISCUSSION OUTLINE:**

##### **Workshop Discussion Items:**

- 1. Review of statutory requirements for updating a Comprehensive Plan (10 min.)**
  - a. MN Statutes Section 462.355
  - b. MN Land Use Planning Act
  - c. Decennial review – MN Statutes 473.864
    - i. Notes:
      1. Plans may be amended at any time
      2. 2/3 vote of the City Council is required to adopt amendments following a public hearing conducted by the Planning Commission
      3. All amendments must be submitted to the Met Council and adjacent communities for review
- 2. Review of current Comprehensive Plan (40 min.)**
  - a. Focus on land use and allocation of housing units
  - b. Explain differences between the Comprehensive Plan and the Village Master Plan
  - c. Review of staging plan for sewer (Village and I-94 corridor)
  - d. Discussion of council issues and concerns
    - i. Summary from previous meeting, workshops, and Council correspondence if available
- 3. Review of Village master planning process (20 min.)**
  - a. Highlight differences between Village Master Plan and the current land use plan for the village area
  - b. Discussion of AUAR and future mitigation requirements
- 4. Identify and discuss next steps (15 min.)**
  - a. Sewer feasibility/financing review
  - b. Selection of AUAR development scenario
  - c. Develop process to identify and meet obligations under the Village AUAR
- 5. Direction related to Comprehensive Plan update (10 min.)**
  - a. Authorize staff to develop a work plan to amend the land use chapter of the Comprehensive Plan
    - i. Contents of plan amendment
    - ii. Use of outside assistance
    - iii. Public involvement process
    - iv. Implications for areas outside of Village
    - v. Timeline
    - vi. Describe how land use issues will be addressed
    - vii. Incorporate feedback from workshop meeting

As noted earlier, staff has been meeting on an administrative level to begin pulling together information regarding the future planning for the Village area. The Council's workshop on this matter will help clarify the expectations of staff and the future project steps.

#### **ADDITIONAL INFORMATION:**

Attached for consideration by the Council is an updated time line for the Village Area project and the illustrative flow chart for this project. This information has previously been reviewed by the Council at various stages of the project.

#### **NEXT STEPS:**

The City Council should revise the workshop outline as needed and set a date to conduct this workshop. Based on the feedback that has been received by staff, Wednesday, May 27 appears to be a date that will work for most of the Council.

Depending on the feedback received at the meeting, the Council could direct staff to follow a different process and timeline than the one that is being recommended.

#### **RECOMMENDATION:**

Staff recommends that the City Council establish a workshop to be conducted on May 27, 2009 at 6:30 p.m. to discuss the process for updating the Land Use Section of the Comprehensive Plan.

#### **ORDER OF BUSINESS:**

- Introduction ..... Craig Dawson, Interim City Administrator
- Report ..... Kyle Klatt, Planning Director
- Questions from the Council..... Mayor & Council Members
- Questions/Comments from the public..... Mayor facilitates
- Call for a Motion  
(required for further discussion; does not  
imply approval of the motion ..... Mayor facilitates
- Discussion ..... Mayor facilitates
- Action on motion ..... Council

#### **ATTACHMENTS:**

1. Road Map for Decision Making (Village Project)
2. Village Project Time Line



# City of Lake Elmo

651/777-5510

3800 Laverne Avenue North / Lake Elmo, MN 55042

## MEMORANDUM

**TO:** City Council  
**FROM:** Craig W. Dawson, Interim City Administrator  
**DATE:** May 27, 2009  
**SUBJECT:** Comments from Councilmembers regarding Further Updates of the Comp Plan

Last week, the City Council reviewed the staff memorandum regarding the process for amending the Comprehensive Plan after submitting the required updates for five elements in the City's Comprehensive Plan. The Council decided to have a special Council meeting this evening to begin its discussion about proceeding with further amendments to the Plan, particularly relating to the Land Use element. The Council decided that it should forward topics, questions, or comments regarding this element to me, so that they could be compiled for Council's review and consideration. The comments emailed to me as of this afternoon as they relate to Land Use updates are attached.

In summary, the issues are:

- It will be important to work with Met Council on changes to the sewer REC schedule, and everyone's time will be better spent once this is known.
- The Comp Plan calls for 8,727 housing units, but there are a variety of requirements in the City Code that could prevent us from meeting that number. Such information should be identified before discussing the Land Use element.
- The present land use map does not show the 320 acres required for the business park along I-94 between Manning and Lake Elmo Avenue. [Staff note: It currently shows ~280 acres.]
- In the Village area, the number of housing units in the current plan, or thought to have been intended in the current plan, is not clearly understood and needs to be clarified.
- In the Village area, the total number of RECs, not just those from housing units, needs to be considered.
- Is it necessary to consider the Village area and the I-94 corridor separately and phase their implementation separately?
- Consider, if possible, adding a policy statement that new development must pay for [all?] of the infrastructure up-front.
- Timing of development and penalties related to not achieving the timetable for required number of RECs needs to be addressed.
- Consider a three-year delay to the timetable for achieving required number of RECs and remove allocation of residential and non-residential hookups.
- Consider policy in Comp Plan to pursue permeable pavement for City streets and facilities.



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## Craig Dawson

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**From:** Dean Johnston [mailto:dandkjohnston@comcast.net]

**Sent:** Thursday, May 21, 2009 2:14 PM

**To:** Craig Dawson

**Cc:** Kyle Klatt

**Subject:** Discussions on Comprehensive Plan

Craig

Here is the information I believe is necessary for us to start discussions on modifications to the Comprehensive Plan:

1. Changing implementation schedule due to economic conditions

Staff should meet with Met Council to discuss the issue. We could waste a lot of time if we don't have some idea of what the Met Council sees as an appropriate process. It is my understanding that you have a meeting scheduled for early in June. Perhaps they could simply send us a letter suspending the development schedule for two years at which time Lake Elmo would provide a revised schedule in a revised Comp Plan amendment.

2. Changes in the Land Use Plan section

The Met Council has only a few major requirements for our Comp Plan; they are total REC units, population, housing units (calculated from population), and REC units for jobs. In order to ensure that we achieve the 8727 housing unit requirement we looked at how many housing units would be contributed by each acre in Lake Elmo. We have a variety of requirements in our code which could prevent us from meeting the 8727 units depending on how the calculations were made. For example, we do not allow parcels under 40 acres to be approved for OP development. We have restrictions on subdividing large lots. We have land which has been placed in Conservation Easements which is no longer available for development. Discussing the Land Use Plan without having this information could be a complete waste of time.

3. Land planned for jobs

Calculations for land being planned for jobs requires 320 acres for the business park on I-94 between Manning and Lake Elmo Avenue. The present land use map does not show 320 acres for this use.

Items 1 and 2 are really pre-requisites for any discussion including discussion of Item 3. Scheduling a workshop before information described in Items 1 and 2 is premature. I would like to see the workshop postponed until we have the information requested in Items 1 and 2.

Dean Johnston  
651-777-4444



## Craig Dawson

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**From:** Brett Emmons [mailto:bemmons@eorinc.com]

**Sent:** Thursday, May 14, 2009 8:53 AM

**To:** Craig Dawson

**Cc:** Kyle Klatt; Brett Emmons

**Subject:** May Workshop - Comp. Plan

The issues I would like to discuss/address in this update include:

1. Village area - Clarify what does the current text mean for # of residential units – 450 or 600 (with bonus) units or other interpretation of 900+ units? I have heard that it says 450 units unless development is clustered, then 600 units is allowed. But I have also heard that there is another interpretation of this that says since we had the existing units wrong and also stated a total of over 1,000 units, the thought is that we must “absorb” the error with new units, so we need to have 900+ units to be consistent with the Comp. Plan. I would like more background on where that 900+ units came from and why that would be the number vs. the lower numbers (450/600), if those lower numbers are indeed stated in the Plan.
2. Village densities/units (discussion only) – I would like to better understand the total units/RECs when all development types are included, not just residential. This is informational for me & I do not think a change would be needed (pending understanding the numbers better). I am not currently proposing that we pick the development amounts for the village (600, 900, 1,200, or 1,600) at this time – but would be open to discuss if other council members feel strongly we should.
3. Phasing of Village area & I-94 Corridor – Why is the Village before the I-94 area, especially if the argument is that we are concerned about the financial burden of infrastructure costs for Village development and therefore we should be looking at high levels of development in the Village (ex. the AUAR #s of 1,200 & 1,600)? I am not promoting faster nor more growth, I just do not see why we would tie our hands to look at that option (i.e. not leap frog over the I-94 corridor in bringing utilities up to the Village). One possible option here would be to use the same time window (longer) for both areas.
4. Can we possibly add a policy statement clarifying that development must pay for the infrastructure - up front? Steve D. has brought this up, and that might address many of my financial concerns about the city paying for large infrastructure outlays/upgrades and then being left to make bond payments even if there is no development to pay for it (for example, like right now).
5. Timing of development – With the current recession, it seems logical to move the development timeframe out. I believe there are a few places where timing is discussed, including penalty text (see next point).
6. Penalties timing – From my preliminary look, the penalties for not meeting MC targets are significant costs to the city and are built into our Comp. Plan (we are proposing them – vs. being told we need to respond to a threat). I feel this puts us in a vulnerable situation. While I feel strongly we need to pursue aggressively the petition route to get these delayed, it also strikes me we could accomplish the same type of thing by redoing that penalty text to use different time frames (i.e., not go through all this petition process, paperwork, and red tape). Given the dramatic financial times, we might also be able to convince MC that some different wording would be more appropriate. By that I mean, the days of rapid, unending, limitless growth in which that was written may not be that realistic and a less heavy handed “accountability” clause may make more sense.

I will continue to go through the land use section and see if anything comes up, but those are the top ones on my list for now. Note that I think #5 & #6 might even be very good grounds to tell MC that we will be another few months later with our Comp. Plan as we address these.

**Brett H. Emmons, PE, LEED AP**

Water Resources Engineer

651.203.6003, bemmons@eorinc.com

## **Craig Dawson**

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**From:** Steve DeLapp [stevedelapp@gmail.com]  
**Sent:** Monday, May 18, 2009 10:08 PM  
**To:** Craig Dawson; Kyle Klatt  
**Subject:** Revision to Waste Water Section of Comp Plan  
**Attachments:** Alternative to Page VI-2 5-18-09.xls

Craig and Kyle,

I'm no sewer expert, so I didn't spend much time going over the Waste Water Section of the Comp Plan, but I think it repeats a chart on page VI-2 of the current (unapproved) 2000 Comp Plan. If so, we will be far behind on mandated SAC units to the Cottage Grove and WONE interceptors.

I am proposing that we insert the following chart to replace the table shown in Topic 1. The chart does two things, up front and above board. It keeps our staffing levels and resident disruption no greater than shown in the 2000 plan. We will not have to try and pack an extra 3 years housing and jobs into the remaining years until 2030. We did not bring on the recession and near population freeze in the Region.

Secondly, I am combining REC's from jobs and housing. The Met Council staff told me last summer -- I have it in writing and sent it to the City, that they have no expectation we will come close to having 14,000 jobs in our City by 2030 (now 2033). This way, we get the freedom to allocate housing and employment anywhere south of 10th and in the Old Village as we choose. We just commit to the total REC's and the distribution between the WONE and Cottage Grove interceptors.

If this is approved, it should be submitted with the note that this chart supercedes any contradictory information in the 2000 Comp Plan (submitted in 2006).

It will make be happy because the City gets some freedom, the Met Council gets their sewer money and we no longer have any misunderstanding about the text. (In case the Excel Spred Sheet does not come through, I have pasted it below)

If the Met Council agrees, we are winners. I think they will.

Best, Steve

### **Requirements for Areas Served by the Regional Wastewater System**

#### **1. Community Forecast of Residential Equivalent Unit (REC) Usage by Regional Sewer Service Treatment Plant**

Year	So. of 10th St. New REC's to W.O.N.E.	So. of 10th St. Existing and New REC's to Cottage Grove	Village Area Existing and New REC's to Cottage Grove
2005	100	0	0
2006	152	0	0
2007	152	0	0
2008	152	0	0
2009	152	0	0
2010	204	0	0
2011	256	0	125
2012	308	0	250

2013	360	0	320
2014	384	0	390
2015	688	0	460
2016	992	0	600
2017	1296	0	600
2018	1600	0	600
2019	1600	164	600
2020	1600	398	600
2021	1600	632	600
2022	1600	866	600
2023	1600	1100	600
2024	1600	1334	600
2025	1600	1568	600
2026	1600	1802	600
2027	1600	2036	600
2028	1600	2270	600
2033	1600	3400	1100

**From:** Steve DeLapp [mailto:stevedelapp@gmail.com]

**Sent:** Tuesday, May 26, 2009 8:30 AM

**To:** Craig Dawson

**Subject:** Alternative road design

This design may not be nice for roller blades and may be tough on bikes, I don't know, but it show seems to make a mockery of the current urban design, which guarantees pollution. I'd like to see much of the winter salt water go under the road bed instead of killing the first 3-4 feet on the edges of our roads. Please share this article. We should have considered this for our Comp Plan as an approach we will pursue. Thanks, Steve

## Shoreview experiment may eliminate storm drains

LAURIE BLAKE, Star Tribune

Shoreview is betting on a new "green" concrete paving method that lets rainwater pass right through the street surface to prevent damaging runoff.

Pervious concrete -- made of gravel and cement minus the sand that gives regular concrete its impenetrable density -- has the porous quality of a Rice Krispies bar.

Because it will allow water to drain straight to the ground below, Shoreview will install about a mile of pervious concrete streets without storm sewers in the Woodbridge neighborhood on Lake Owasso.

This \$1 million, all-in bet on the new pavement technology has many cities looking over Shoreview's shoulder, wondering whether they might try the same approach.

"This is the first complete commitment to using a pervious pavement on a residential street replacement" in Minnesota, said Shoreview Public Works Director Mark Maloney.

Over the past five years, other Minnesota cities, including Minneapolis and Richfield, have been experimenting with pervious concrete on parking lots and other hard surfaces, hoping for better storm-water management.

But in Shoreview, "We are completely replacing a storm drainage system with a pavement that will infiltrate" water to the ground, Maloney said.

Tests "have shown that it is as durable as standard concrete for low-volume roads," Maloney said. "The science behind that is very sound and supported."

But there are few examples of a local government saying "this is going to be our pavement in lieu of a sewer system," he said. "We won't have catch basins, pipes and [settling] ponds."