



## **STAFF REPORT**

DATE: 4/4/2017

**CONSENT**

ITEM #: 11

**TO:** City Council  
**FROM:** Emily Becker, City Planner  
**AGENDA ITEM:** Comprehensive Plan Amendment to City's Wastewater Facilities and Lane Use Plans – Lake Olson Area Sewer Service Area Extension and Re-guidance to Rural Single Family Sewered  
**REVIEWED BY:** Stephen Wensman, Planning Director  
Planning Commission

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### **BACKGROUND:**

The City Council is being asked to consider the following amendments to the City's Comprehensive Plan:

- **Amendment to Wastewater Facilities Plan.** The following properties are being requested to be added to the Olson Lake Trail Metropolitan Urban Service Area:
  - PID# 0802921140059 (4497 Olson Lake Trail N)
  - PID# 0902921320001 (4473 Olson Lake Trail N)
- **Amendment to Land Use Plan.** The above-mentioned properties will need to be re-guided to the Rural Single Family Sewered land use designation.

### **ISSUE BEFORE COUNCIL:**

The Council is being asked to approve, as part of tonight's consent agenda, the above mentioned Comprehensive Plan amendments.

### **PROPOSAL DETAILS/ANALYSIS:**

The attached Staff Report to the Planning Commission dated 3/27/2017 provides further details and analysis.

### **PUBLIC HEARING/PLANNING COMMISSION FEEDBACK:**

The Planning Commission held a public hearing and considered this request at its March 27, 2017 meeting. The public hearing was noticed in the City's official newspaper, and notices were sent out to property owners within 350 feet of the subject properties.

The Planning Commission had asked why more properties were not being proposed to be added to this MUSA. Staff had indicated that the properties must petition to the City in order to be included.

The Planning Commission recommended approval of the proposed Comprehensive Plan amendments with an affirmative vote of 6-0.

### **FISCAL IMPACT:**

Adding these properties to the Olson Lake Trail sewer area would reduce City cost for this sewer project by generating additional Sewer Access Charge (SAC) fees.

**RECOMMENDATION:**

Staff and the Planning Commission recommend that the Council approve as part of tonight's Consent Agenda an amendment to the Wastewater Facilities Plan of the Comprehensive Plan by adding the aforementioned properties to the Olson Lake Trail sewer area. If the item is removed from tonight's Consent Agenda, the following recommended motion may be made:

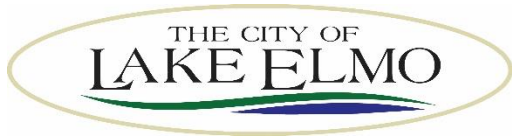
***“Motion to adopt Resolution 2017-027 approving the addition of PID#’s 0902921320001 & 0802921140059 to the Olson Lake Trail sewer area.”***

Additionally, Staff and the Planning Commission recommend that the Council approve as part of tonight's Consent Agenda an amendment to the Land Use Plan of the Comprehensive Plan, regarding the aforementioned properties to Rural Single Family Sewered. If the item is removed from tonight's Consent Agenda, the following recommended motion may be made:

***“Motion to adopt Resolution 2017-028 approving a Comprehensive Plan Amendment re-guiding on the City's Land Use Plan PID#’s 0902921320001 & 0802921140059 to Rural Single Family Sewered.”***

**ATTACHMENTS:**

- PC Report 3/27/2017
- PC Minutes 3/27/2017
- Res. 2017-027
- Res. 2017-028



## STAFF REPORT

DATE: 3/27/2017

**REGULAR**

ITEM #: 4b

**TO:** Planning Commission  
**FROM:** Emily Becker, City Planner  
**AGENDA ITEM:** Comprehensive Plan Amendment to City's Wastewater Facilities and Lane Use Plans – Lake Olson Area Sewer Service Area Extension and Re-guidance to Rural Single Family Sewered  
**REVIEWED BY:** Stephen Wensman, Planning Director

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### **BACKGROUND:**

The City approved a Comprehensive Plan Amendment in 2013 to include additional homes in an area along Olson Lake Trail that could be served with public sanitary sewer service. This was in response to a request for service which proposed an extension involving improvements within the Olson Lake Trail right-of-way, which serves as the boundary between Lake Elmo and the City of Oakdale.

The service area shown in the Comprehensive Plan amendment was somewhat larger than would be served by the initial joint public works project in order to allow the City to design the initial project in a manner that would permit additional connections in the future, should the opportunity arise.

Recently, additional property owners not currently included within the Olson Lake Trail sewer area have requested to be included.

### **ISSUE BEFORE COMMISSION:**

Should these additional properties be included in the Olson Lake Trail sewer area?

### **PROPOSAL DETAILS/ANALYSIS:**

**Amendment to Wastewater Facilities Plan.** Engineering has reviewed the addition of these properties to the Olson Lake Trail sewer area and recommends that they be included.

The following properties are requesting to be added to this sewer area:

- PID# 0802921140059 (4497 Olson Lake Trail N)
- PID# 0902921320001 (4473 Olson Lake Trail N)

**Amendment to Land Use Plan.** In July of 2016, the City approved amendments to the Comprehensive Plan's land use plan:

- Creating a new Rural Single Family – Sewered land use category allowing municipal sanitary sewer where deemed practical by the City Council in Metropolitan Urban Service Area (MUSA) areas;and
- Guiding the properties currently guided for Rural Single Family within a MUSA area to Rural Single Family – Sewered.

The aforementioned properties will need to be re-guided to the Rural Single Family Sewered land use designation.

**Met Council Review.** The Met Council has confirmed that the usual jurisdictional review period for this Comprehensive Plan Amendment will likely not be required. Alternatively, an amended Joint Powers Agreement would suffice. Additionally, the request may qualify for administrative review by the Met Council, rather than full Council review, meaning that the approval process for this request may take a shorter time period than a typical Comprehensive Plan Amendment.

**FISCAL IMPACT:**

Adding these properties to the Olson Lake Trail sewer area would reduce City cost for this sewer project by generating additional Sewer Access Charge (SAC) fees.

**RECOMMENDATION:**

Staff recommends that the Planning Commission recommend approval of an amendment to the Wastewater Facilities Plan of the Comprehensive Plan by adding the aforementioned properties to the Olson Lake Trail sewer area.

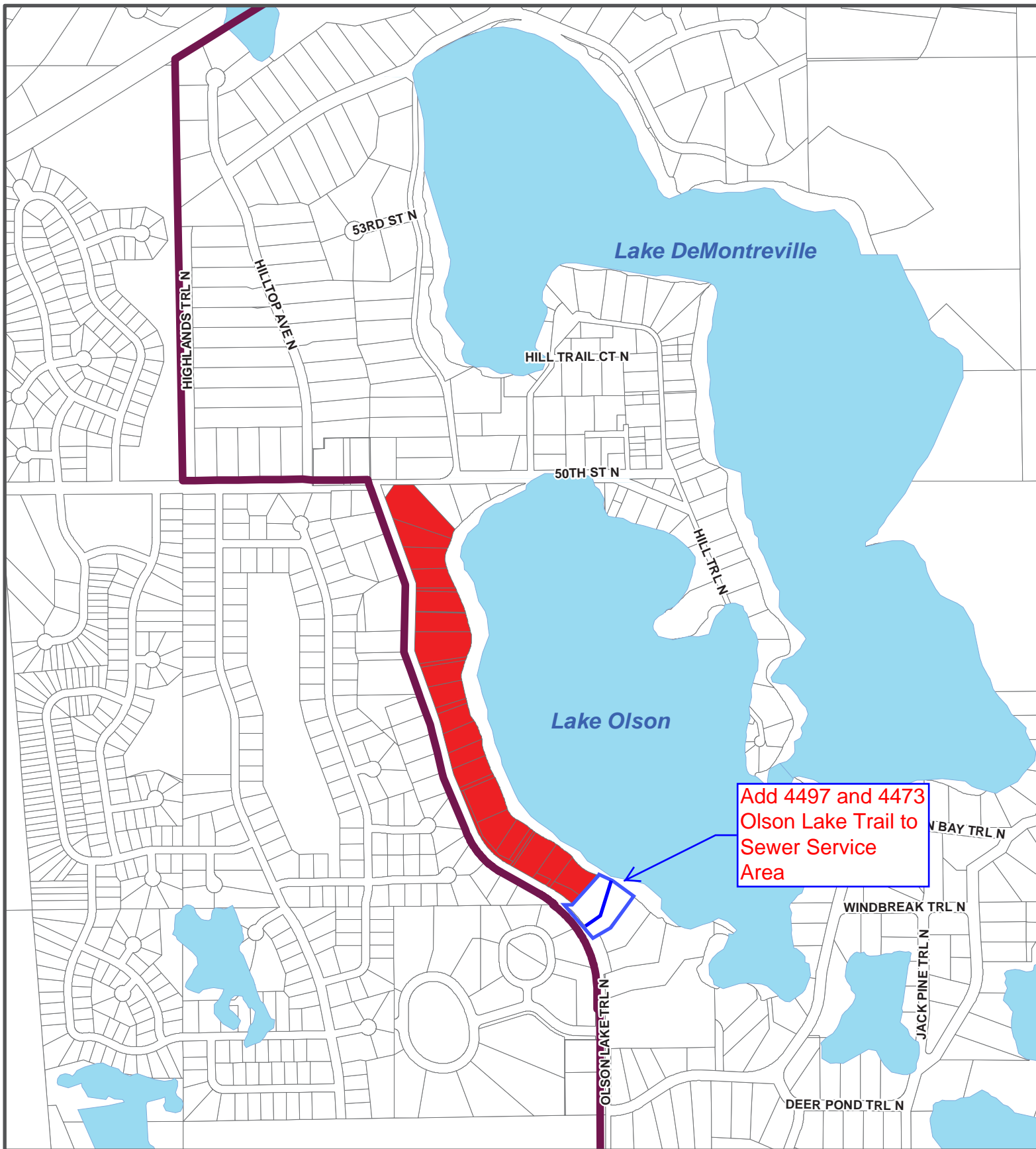
***“Motion to recommend approval of the amendment to the City’s Wastewater Facilities Plan by adding PID#’s 0902921320001 & 0802921140059 to the Olson Lake Trail MUSA.”***

Additionally, Staff recommends that the Planning Commission recommend approval of an amendment to the Land Use Plan of the Comprehensive Plan, regarding the aforementioned properties to Rural Single Family Sewered.

***“Motion to recommend approval of a Comprehensive Plan Amendment re-guiding PID#’s 0902921320001 & 0802921140059 to Rural Single Family Sewered on the City’s Land Use Plan.”***

**ATTACHMENTS:**

- Proposed Amended Sewer Service Area Map
- Proposed Amended Land Use Map



## Sewer Service Area - Tri Lakes

Lake Elmo Comprehensive Plan Update



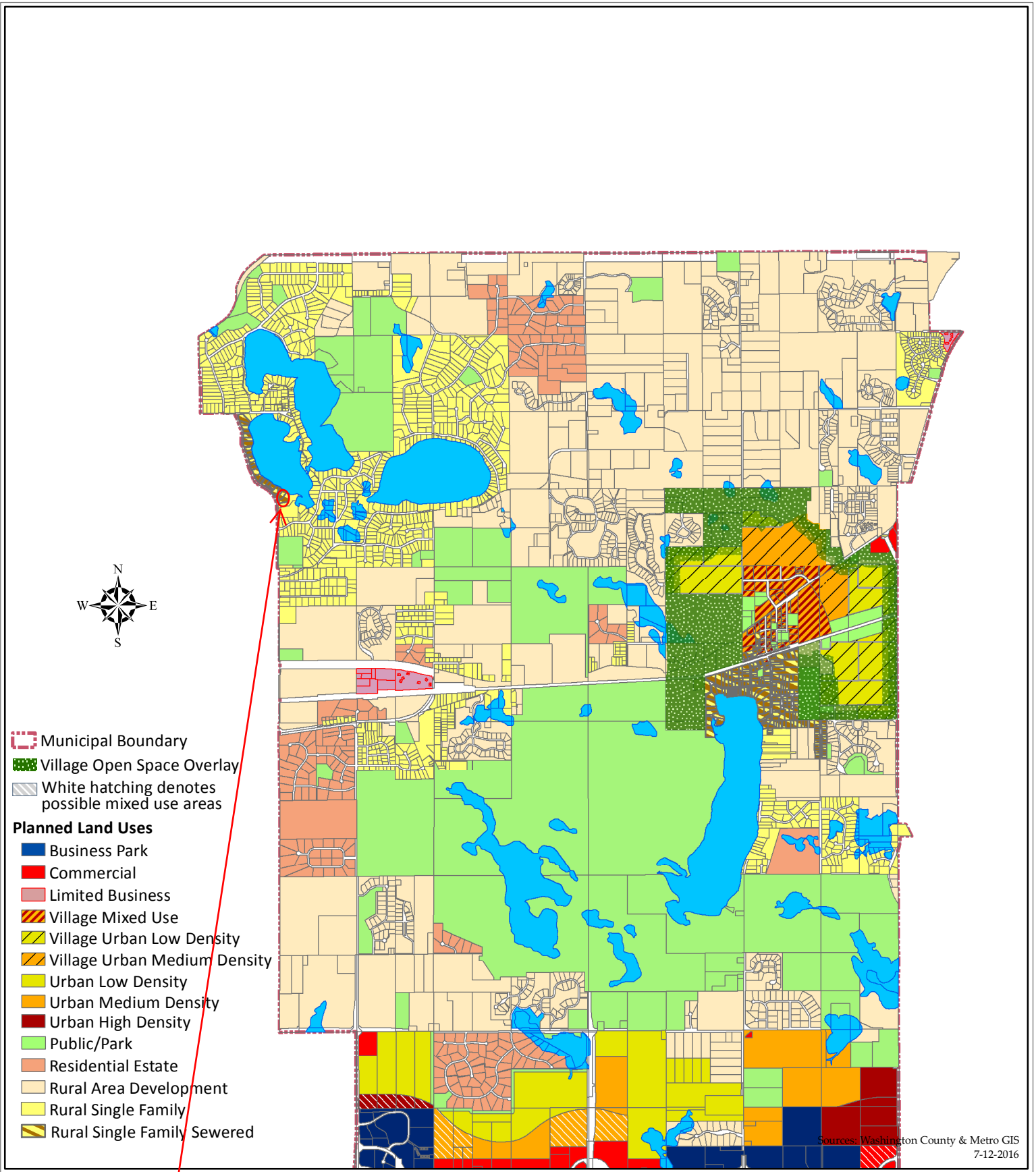
Map Date:  
April 22, 2013



0 125 250 500 750 1,000  
Feet

Future Public  
Sewer Service Area

### Map 6-2



## Proposed Planned Land Use

*Lake Elmo Comprehensive Plan 2030*





**City of Lake Elmo  
Planning Commission Meeting  
Minutes of March 27, 2017**

Chairman Kreimer called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m.

**COMMISSIONERS PRESENT:** Larson, Dorschner, Emerson, Williams, Lundquist and Hartley

**COMMISSIONERS ABSENT:** Fields, Kreimer and Dodson

**STAFF PRESENT:** Planning Director Wensman and City Administrator Handt

**Approve Agenda:**

M/S/P: Dodson/Williams, move to approve the agenda as presented, ***Vote: 7-0, motion carried, unanimously.***

**Approve Minutes:** March 13, 2017

M/S/P: Dodson/Larson, move to approve the March 13, 2017 minutes as presented, ***Vote: 7-0, motion carried unanimously.***

**Public Hearing – Zoning Map Amendment – General Business to Village Mixed Use**

Wensman started his presentation

Public Hearing opened at : pm

No one spoke and there were no written comments

Public Hearing closed at : pm

M/S/P: /, move to, ***Vote: 7-0, motion carried unanimously.***

**Public Hearing – Comprehensive Plan Amendment to add 2 properties to RSF Sewered**

Wensman started his presentation regarding adding 2 properties to the Olson Lake Trail sewer area and re-guiding them to Rural Single Family sewer. This would add 4497 &

Lake Elmo Planning Commission Minutes; 3-27-17

4473 Olson Lake Trail to the MUSA. The feedback from the Met Council is that it would just be an administrative review and would be similar to what was done in the Village to add additional properties. This does not require any jurisdictional review as we have a joint powers agreement with Oakdale. We have not received any comments from the public notice sent out and advertised.

Dorschner asked what the Oakdale capacity would be for hooking up the rest of the properties around Olson Lake on that road. Wensman stated that they are not in the MUSA so there has been no talk about Oakdale picking them up. Wensman stated that they do not know. There is no plan for that and they are not requesting it. Handt stated that the Engineers did reach out to neighboring properties to see if they wanted to be included, and these were the only 2 properties interested in being included.

Williams is wondering if there is a Zoning Text that is actually rural single family sewer. Wensman stated that the City does not have that specific zoning, but it is probably something that should be created. Wensman stated that there really is no problem leaving them as Rural Single Family, but it was something the City Council was interested in to distinguish those properties within the MUSA. Met Council was only concerned with it being in the Comprehensive Plan.

Emerson is wondering if they would move the MUSA line without the property owners asking for it. Wensman stated that the City has not required properties to be sewer unless the property owner has petitioned for it.

Public Hearing opened at 7:44 pm

No one spoke and there were no written comments

Public Hearing closed at 7:45 pm

M/S/P: Dorschner/Lundquist, move to recommend approval of the amendment to the City's Wastewater Facilities Plan by adding PID #'s 090292132001 & 080292140059 to the Olson Lake Trail MUSA, **Vote: 6-0, motion carried unanimously.**

Hartley stated that they are adding these properties because they specifically requested it. Looking at the map, there are potentially 4-5 properties that would seem to fit the same characteristics of the other properties and why they requested it. Why is the City not adding those properties? Williams stated it is because they did not request it and according to Handt, they actively declined by not responding. Wensman stated that there was one additional parcel that was thinking about it, but after further discussion with the Engineer, they declined. Dorschner is wondering if we have the means through the MUSA to require connection. Wensman stated that with the joint powers with Oakdale, we have the means to connect these properties. Dorschner is concerned that properties along the lake are still on old septic systems and what that means for the



future. Hartley stated that he is concerned because the City does not have a very good mechanism to catch when drainfield fail and so we end up with even one house affecting the Lake. Handt stated that most septic problems are caught when the properties are sold or a building permit is issued. Williams stated that the same logic for the additional properties could be applied to the whole Tri-Lakes area. If the MUSA was opened up to the whole Tri-Lakes area, there would be numerous people speaking against it. Wensman stated that there are a number of 201 septic systems in this area that have been created to deal with some of the failing septic systems.

M/S/P: Lundquist/Dorschner, move to recommend approval of a Comprehensive Plan Amendment re-guiding PID #'s 090292132001 & 080292140059 to Rural Single Family Sewered on the City's Land Use Plan, **Vote: 6-0, motion carried unanimously.**

Dorschner wanted to confirm that there was no Rural Single Family Sewered zoning. Handt stated that there was not, but this is just guiding it as such in the Comprehensive Plan. Hartley wanted to reinforce his concern from the standpoint of the Comprehensive Plan, they do not have the potential pollution issues under control for all of these properties that have individual septic systems and the inspection of them comes well after the fact that they have failed. Williams doesn't disagree, but doesn't feel that it will change anytime soon as he has heard the same discussion for 40 years.

#### **Business Item –Preliminary Plat and PUD Plans - Royal Golf**

Wensman started his presentation

M/S/P: /, move to , **Vote: 7-0, motion carried unanimously.**

#### **Business Item – Zoning Text Amendment – Village Low Density Residential Zoning**

Wensman started his presentation

M/S/P: /, move to , **Vote: 7-0, motion carried unanimously.**

#### **Business Item – Zoning Text Amendment – Solar Ordinance**

Wensman started his presentation

M/S/P: /, move to , **Vote: 7-0, motion carried unanimously.**

#### **City Council Updates – March 21, 2017 Meeting**

- i) Wildflower 2<sup>nd</sup> Developer Agreement
- ii) Lakewood Crossing 2<sup>nd</sup> Addition Concept Plan PUD
- iii) Noise Ordinance

**Staff Updates**

1. Upcoming Meetings
  - a. April 10, 2017
  - b. April 24, 2017
2. MAC CEP Report

***Commission Concerns***

Meeting adjourned at : pm

Respectfully submitted,

Joan Ziertman  
Planning Program Assistant

**CITY OF LAKE ELMO  
WASHINGTON COUNTY  
STATE OF MINNESOTA**

**RESOLUTION NO. 2017-027**

*A RESOLUTION APPROVING AN AMENDMENT TO THE CITY OF LAKE ELMO  
WASTEWATER FACILITIES PLAN OF THE COMPREHENSIVE PLAN, ADDING AN  
ADDITIONAL TWO PROPERTIES TO THE OLSON LAKE TRAIL METROPOLITAN URBAN  
SERVICE AREA (MUSA)*

**WHEREAS**, the City of Lake Elmo is a municipal corporation organized and existing under the laws of the State of Minnesota; and

**WHEREAS**, the City of Lake Elmo has established a Comprehensive Plan that provides compilation of background data, policy statements, standards, and map, which help to guide the future physical, social, and economic development of the City; and

**WHEREAS**, two residents have petitioned the City to be added to the Olson Lake Trail Metropolitan Urban Service Area (MUSA), PID#s 0802921140059 and 0902921320001, a copy of which is on file in the City Planning Department; and

**WHEREAS**, the City has prepared a map of the proposed MUSA expansion indicating the affected properties to be added to the MUSA of the City; and

**WHEREAS**, the notice has been published, mailed, and posted pursuant to the Lake Elmo City Code and MN State Statute 473.858; and

**WHEREAS**, the Lake Elmo Planning Commission held a public hearing on the matter on March 27, 2017; and

**WHEREAS**, the Lake Elmo Planning Commission has submitted its recommendation of approval to the City Council; and

**WHEREAS**, the City Council considered the said matter at its April 4, 2017 meeting; and

**NOW, THEREFORE**, based on the testimony elicited and the information received, the City makes the following findings:

1. The expansion of the MUSA and the addition of the three parcels will not add significant additional cost to the City.
2. The property owners have petitioned the City to join the MUSA.
3. The Metropolitan Council has administratively reviewed the amendment and upon cursory review has no objection and has agreed to accept an amended Joint Powers Agreement with the City of Oakdale as sufficient jurisdictional review.
4. The expansion of the MUSA is consistent with improving the health, safety and welfare of the City of Lake Elmo residents.

**NOW, THEREFORE, BE IT RESOLVED** that based on the foregoing, the Lake Elmo City Council does hereby approve the Lake Elmo Comprehensive Plan Amendment, expanding the Olson Lake Trail MUSA, subject and contingent on the following:

1. The Metropolitan Council's approval of the Comprehensive Plan Amendment.

This resolution was adopted by the City Council of the City of Lake Elmo on this 4th day of April, 2017.

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Mike Pearson, Mayor

ATTEST:

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Julie Johnson, City Clerk

**CITY OF LAKE ELMO  
WASHINGTON COUNTY  
STATE OF MINNESOTA**

**RESOLUTION NO. 2017-028**

*A RESOLUTION APPROVING AN AMENDMENT TO THE CITY OF LAKE ELMO  
COMPREHENSIVE LAND USE PLAN REGARDING TWO PROPERTIES WITH RURAL  
SINGLE FAMILY LAND USE DESIGNATION RECENTLY ADDED TO THE OLSON LAKE  
TRAIL METROPOLITAN SERVICE AREA (MUSA) TO RURAL SINGLE FAMILY – SEWERED  
LAND USE DESIGNATION*

**WHEREAS**, the City of Lake Elmo is a municipal corporation organized and existing under the laws of the State of Minnesota; and

**WHEREAS**, the City of Lake Elmo has established a Comprehensive Plan that provides compilation of background data, policy statements, standards, and map, which help to guide the future physical, social, and economic development of the City; and

**WHEREAS**, PID#s 0802921140059 and 0902921320001 are currently guided for Rural Single Family land use designation; and

**WHEREAS**, the Comprehensive Plan's Rural Single Family-Sewered Land Use category defines Rural Single Family-Sewered as a portion of the City that was historically platted for conventional subdivision prior to 2005 that has historically been serviced by private on-site well and septic systems, located within a MUSA area, and may continue to be serviced by private on-site well and septic systems, located within a MUSA area, and may continue to be serviced by private on-site well and septic systems unless the City Council deems connection to the sanitary sewer system practical; and

**WHEREAS**, the City Council has approved an amendment to the City's Wastewater Facilities Plan, adding PID#s 0802921140059 and 0902921320001 to the Olson Lake Trail Metropolitan Urban Service Area (MUSA); and

**WHEREAS**, PID#s 0802921140059 and 0902921320001 now more closely fit the Land Use Designation of Rural Single Family-Sewered; and

**WHEREAS**, the notice to re-guide PID#s 0802921140059 and 0902921320001 has been published, mailed, and posted pursuant to the Lake Elmo City Code and MN State Statute 473.858; and

**WHEREAS**, the Lake Elmo Planning Commission held a public hearing on the matter on March 27, 2017; and

**WHEREAS**, the Lake Elmo Planning Commission has submitted its recommendation of approval to the City Council; and

**WHEREAS**, the City Council considered the said matter at its April 4, 2017 meeting; and

**NOW, THEREFORE**, based on the testimony elicited and the information received, the City makes the following findings:

1. The Metropolitan Council has administratively reviewed the amendment and upon cursory review has no objection and has agreed to accept an amended Joint Powers Agreement with the City of Oakdale as sufficient jurisdictional review.
2. The re-guiding of PID#s 0802921140059 and 0902921320001 will remove inconsistency between the amended MUSA designation and Land Use category definition in the City's Comprehensive Plan.

**NOW, THEREFORE, BE IT RESOLVED** that based on the foregoing, the Lake Elmo City Council does hereby approve the Lake Elmo Comprehensive Plan Amendment, amending the City's Land Use Plan by re-guiding PID#s 0802921140059 and 0902921320001 to Rural Single Family-Sewered, subject to and contingent upon the following:

1. The Metropolitan Council's approval of the Comprehensive Plan Amendment.

This resolution was adopted by the City Council of the City of Lake Elmo on this 4th day of April, 2017.

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Mike Pearson, Mayor

ATTEST:

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Julie Johnson, City Clerk