

**MINNESOTA STATE DEMOGRAPHER
2009 POPULATION AND HOUSEHOLD ESTIMATES**

WASHINGTON COUNTY	2009 POPULATION	2009 HOUSEHOLDS
Lake Elmo, City	8,326	2,814
Stillwater, Township	2,601	872

**PLEASE PROVIDE THE INFORMATION REQUESTED BELOW
WITHIN THE NEXT TEN DAYS WITH ANY ATTACHMENTS TO:**

Office of Administrative Hearings
Municipal Boundary Adjustments
P. O. Box 64620
St. Paul, Minnesota 55164-0620

REC'D BY
MBA
JAN 18 2011

USE ADDITIONAL SHEETS IF NECESSARY.

FACTUAL INFORMATION

This form is being completed by Petitioners who is the Owners of Subject to the Petition filed under Minnesota Statutes § 414. 06 : Area

The term "subject area" refers to the area that is proposed for the boundary adjustment.

1. Present population and number of households, past population and projected population growth of the subject area:

	<u>Subject Area</u>	<u>City</u>	<u>Township/ Other City</u>
1990 Population	<u>2</u>		
2000 Population	<u>2</u>		
Current Population	<u>0</u>		
Current Households	<u>0</u>		
Projected in 5 years	<u>0</u>		
Source of Data			

2. Geographic Features:

a.

	<u>Present City</u>	<u>Present Township</u>	<u>Subject Area</u>	<u>Adjacent Unit of Gov't</u>
Total Acreage			<u>50.74</u>	

- b. Describe any waterways in or adjacent to the subject area: (rivers, streams, shorelands, protected water, protected wetlands, watershed districts):
within Brown's Creek Watershed District (Karen Kill, Admin 651-275-1136 x26), small wetland according to Bews inventory

- c. Are the waterways subject to any State or Federal regulation?
Describe if yes: According to Bews mapping, it does not appear that there are.

d. Generally describe the soils in the subject area: Mix of Top Soil, Sand and Gravel

e. Describe the terrain in the subject area: 70% Flat 30% Rolling, Adjacent to Storm Run off pond

3. Contiguity: The perimeter of the subject area is approximately 55% bordered by the municipality and 23% by the township and 22% by the city of Oak Park Heights

4. Present pattern of physical development, planning, and intended land uses in the subject area and adjoining areas:

a. The land uses are: (Fill in approximate acreage or percentages if available instead of yes or no.)

	City		Township		Subject Area	
	Yes	No	Yes	No	Yes	No
Residential					0%	
Institutional (tax exempt)					0%	
Commercial/Retail					0%	
Industrial					0%	
Agricultural					100%	
Vacant Lands (current zoning)					0%	

b. What type of development is proposed for the subject area?

None

c. What are the current adjacent land uses and/or zoning?

High density Commercial, Proposed High Density Commercial and medium density Residential.

5. The present transportation network:

a.

	Present City	Present Township	Subject Area
Number of Miles of Highway, Streets, and Roads			<u>4 miles Highway</u> <u>2 miles Streets</u>

b. Are any transportation changes planned in the subject area? yes no X
in the city? yes no X in adjacent areas? yes no X

c. What are the major roads/highways that serve the subject area and adjoining areas? State Highway 36, Manning Ave

6. Land Use Controls and Planning:

a. Comprehensive Plan (Attach copy of portion that applies to subject area):

	City	Township	County	Region
Adoption Date	8-17-2010			
Status of Plan	Approved			
No Existing Plan				

b. Have any area planning authorities adopted an official position on the proposed boundary adjustment? (planning commissions, boards, joint boards, Met Council, Regional Development Commissions, county, etc.)

yes no supportive non-supportive

If yes, describe and attach copy of position document: city of
Lake Elmo Resolution 2010-072

c. Please check where the following exists and give any necessary explanations on how it relates to the proposed boundary adjustment. (Since it may be possible that two or more ordinances attempt to regulate the same area, please circle whose ordinance presently applies to the subject area.)

	City		Township		County		Date Adopted		
	Yes	No	Yes	No	Yes	No	City	Town	County
Zoning		<input checked="" type="checkbox"/>							
Subdivision Regulations		<input checked="" type="checkbox"/>							
Official Map		<input checked="" type="checkbox"/>							
Capital Improvements/ Budget		<input checked="" type="checkbox"/>							
Fire Code		<input checked="" type="checkbox"/>							
Shoreland Ordinance		<input checked="" type="checkbox"/>							
Floodplain Ordinance		<input checked="" type="checkbox"/>							
Wild & Scenic Rivers Ord.									
Sanitation Ordinance (on-site sewage treatment)			<input checked="" type="checkbox"/>						<input checked="" type="checkbox"/>

Attach copies of maps and portions of ordinances that apply to subject area.

* If city does not provide water to the subject area, who does? No ^{city} water
Being supplied

What is the percentage of capacity currently being used by the city? _____

* Would city take over or allow existing use? _____

** If city does not provide sewer to the subject area, who does? No city
sewer

What is the percentage of capacity currently being used by the city? _____

** Would city take over or allow existing use? _____

8. Describe any existing or potential environmental problems and whether the proposed action is likely to improve or resolve these problems: (Example: ground or surface water problems, water quality and levels, sewage treatment, air pollutant emissions, noise, odors, affect on fish or wildlife; affect on historical resources, archaeological resources, aesthetic resources; impairment of park lands, prime farmlands, wild and scenic rivers, critical area; abandoned dump or disposal site, etc.) No Land

is being used for Ag Land

9. Plans and programs by the receiving governmental unit for providing governmental services to the subject area and the impact of the proposed action on those services:

No plans

10. Describe the fiscal impact on the city, the subject area, and adjacent units of local government:

	Present City Year:	Present Township Year:	Subject Area Year:	Trend over last 3 yrs.
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Net Tax Capacity 12,832.42

Tax Rates:

County 29.69%

Local Unit of Gov't 21.83%

School District 29.29%

Special Tax District 5.57% (County)

Insurance Rating (fire) 6 with fire hyd. 9 without fire hyd.

Levy Limit \$ 2,409.87

Actual Current Levy \$ 2,789.56

Total Bonded Indebtedness \$ 555.39

11. Would the proposed action affect any school district boundaries or adjacent communities?

yes ___ no Describe if yes: _____

12. Are new services necessary for the subject area?

yes ___ no If so, which ones: _____

What is the current capacity of the sewer and water systems, how much is being used and by whom?

None

13. Can necessary governmental services best be provided by the proposed boundary adjustment or would another type of boundary adjustment be more appropriate?

yes _____ by proposed action no by _____

14. If the boundary adjustment were approved:

a. Would the city/township suffer any undue hardship? yes ___ no
 Describe if yes: _____

b. Would the symmetry of the city/township be effected? yes no ___
 Describe if yes: Short Term

c. Should the subject area be increased or decreased? yes ___ no
 Describe if yes, and attach a revised area map: _____

15. Has the city/township provided any improvements to the subject area? yes ___ no
 If so, which ones and when: _____

16. Has the city/township assessed the subject area for the improvements? yes ___ no
 Describe if yes: _____

17. Will the subject area be assuming any city/township indebtedness? yes ___ no
 Describe if yes: _____

18. Has there ever been a previous boundary adjustment filed for this property or substantially the same property before? yes no ___ Describe if yes: Annexed into Lake Echo from Baytown township in 1999.

19. Why have you filed a petition/objection for boundary adjustment? Property Not
 Suited for Rural Residential

20. Will the boundary adjustment generate a need for an Environmental Assessment Worksheet (EAW) or an Environmental Impact Statement (EIS)? yes ___ no
 If so, why? _____

Attach any additional information which you believe is important. If you have not supplied some information, please explain why.

REC'D BY
MSA

JAN 18 2011

SUBMITTED BY:

City of _____, this _____ day of _____, 20____

Mayor

City Clerk

Township of _____, this _____ day of _____, 20____

Township Chair

Township Clerk

BY: Bernard W + Loella M Nass, this 7 day of January, 2011

Bernard W + Loella M. Nass
Property Owner

Property Owner

BY: Robert A. Buberl, this 7 day of January, 2011

Robert A. Buberl
Property Owner

Property Owner

Complete the form as fully and completely as possible. Any information that is not supplied, and is readily available, and must be obtained by the Office of Administrative Hearings - Municipal Boundary Adjustments will be charged back against the party who did not supply it. A jointly completed form is also acceptable.

If you have any questions, contact the Municipal Boundary Adjustments Office at (651) 361-7900.

**PLEASE PROVIDE THE INFORMATION REQUESTED BELOW
WITHIN THE NEXT TEN DAYS WITH ANY ATTACHMENTS TO:**

Office of Administrative Hearings
Municipal Boundary Adjustments
P. O. Box 64620
St. Paul, Minnesota 55164-0620

REC'D BY
MBA

DEC 23 2010

USE ADDITIONAL SHEETS IF NECESSARY.

FACTUAL INFORMATION

This form is being completed by Sherri Buss, TKDA who is the Township Planner, Stillwater Township to the Petition filed under Minnesota Statutes § 414.06 Subd. 2:

The term "subject area" refers to the area that is proposed for the boundary adjustment.

1. Present population and number of households, past population and projected population growth of the subject area:

	<u>Subject Area</u>	<u>City</u>	<u>Township/ Other City</u>
1990 Population	_____	_____	<u>2,066</u>
2000 Population	_____	_____	<u>2,553</u>
Current Population	_____	_____	<u>2,690</u>
Current Households	_____	_____	<u>960</u>
Projected in 5 years	_____	_____	<u>1,035</u>
Source of Data	_____	_____	U.S. Census and Metro Council Forecasts

2. Geographic Features:

a.

	<u>Present City</u>	<u>Present Township</u>	<u>Subject Area</u>	<u>Adjacent Unit of Gov't</u>
Total Acreage	_____	<u>15.5 sq. mi.</u> approx. 9920 acres	_____	<u>15.5 sq. mi.</u> approx. 9920 acres

b. Describe any waterways in or adjacent to the subject area: (rivers, streams, shorelands, protected water, protected wetlands, watershed districts: The subject area and adjacent areas in Stillwater Township are within the Brown's Creek Watershed District. The subject area drains to Long Lake, which is a protected water, and ultimately to Brown's Creek, which is a DNR designated trout stream and protected water.

- c. Are the waterways subject to any State or Federal regulation?
Describe if yes: Long Lake, Brown's Creek, and any wetlands within the subject

area are subject to state and/or federal regulation.

REC'D BY
MBA

DEC 23 2010

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d. Generally describe the soils in the subject area: _____

e. Describe the terrain in the subject area: _____

3. Contiguity: The perimeter of the subject area is approximately _____% bordered by the municipality and 30% by the township and _____% by _____.

4. Present pattern of physical development, planning, and intended land uses in the subject area and adjoining areas:

a. The land uses are: (Fill in approximate acreage or percentages if available instead of yes or no.)

	City		Township		Subject Area	
	Yes	No	Yes	No	Yes	No
Residential						
Institutional (tax exempt)						
Commercial/Retail				50%		
Industrial						
Agricultural				50%		
Vacant Lands (current zoning)				Transition Zone		

b. What type of development is proposed for the subject area?

c. What are the current adjacent land uses and/or zoning?
Land uses on adjacent parcels in Stillwater Township include commercial and retail uses (50%) and agricultural uses (50%). The Township area adjacent to the subject property is part of an orderly annexation agreement between Stillwater Township and the City of Stillwater. The area is zoned "Transition" to reflect the expected annexation. Based on the agreement, the parcels in the Township that are adjacent to the subject area will become part of the City of Stillwater in 2015, or could be annexed sooner by landowner petition.

5. The present transportation network:

	Present City	Present Township	Subject Area
Number of Miles of Highway, Streets, and Roads			

_____ 30.5 miles Township
Roads; approximately 13 miles of County and State roads within or adjacent to the
Township _____

- b. Are any transportation changes planned in the subject area? yes ___ no. In the city? yes ___ no ___ in adjacent areas? yes ___ no X
- c. What are the major roads/highways that serve the subject area and adjoining areas? Major roadways serving the area are State Highway 36 and County Highway 15 (Manning Avenue)

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6. Land Use Controls and Planning:

a. Comprehensive Plan (Attach copy of portion that applies to subject area):

	City	Township	County	Region
Adoption Date	_____	<u>5/14/09</u>	_____	_____
Status of Plan	_____	<u>Adopted</u>	_____	_____
No Existing Plan	_____	_____	_____	_____

- b. Have any area planning authorities adopted an official position on the proposed boundary adjustment? (planning commissions, boards, joint boards, Met Council, Regional Development Commissions, county, etc.)
- yes _____ no X supportive _____ non-supportive _____

If yes, describe and attach copy of position document: _____

- c. Please check where the following exists and give any necessary explanations on how it relates to the proposed boundary adjustment. (Since it may be possible that two or more ordinances attempt to regulate the same area, please circle whose ordinance presently applies to the subject area.) City ordinance currently applies to subject area.

	City		Township		County		Date Adopted		
	Yes	No	Yes	No	Yes	No	City	Town	County
<u>Zoning</u>				Yes					updated 2009
<u>Subdivision Regulations</u>				Yes					June, 2005
<u>Official Map</u>				No					
<u>Capital Improvements/ Budget</u>				Yes					
<u>Fire Code</u>				Yes					State Code
<u>Shoreland Ordinance</u>				No					2005

Floodplain Ordinance	Yes	2005
Wild & Scenic Rivers Ord.	Yes	2005
Sanitation Ordinance (on-site sewage treatment)	Yes	Updated 2009

Attach copies of maps and portions of ordinances that apply to subject area.

No Township regulations or ordinances currently apply in the subject area.

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- d. What is the current zoning of the subject area? _____
and how long has it been in effect? _____
- e. What is the anticipated zoning if this boundary adjustment is approved? This issue has not been discussed by the Town Board, but it is possible that it would be zoned Transitional, consistent with adjacent areas of the Township.
- f. Is the subject area, or any portion thereof, eligible for deferred tax treatment "Green Acres" (Minn. Stat. § 273.111) because of agriculture or other use?
yes _____ no _____ Describe if yes: _____
- g. Has the city established separate Urban and Rural Taxing Districts (Minn. Stat. § 272.67) in the subject or adjoining area?
yes _____ no _____ Describe if yes: _____

7. Present governmental services being provided in the subject area:

	City provides to city		City provides to subject area		City will provide to subject area		Township provides to township		Township provides to subject area	
	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
* Water							No		No	
** Sanitary Sewer/Wastewater Treatment							No		No	
Storm Sewer							No		No	
Solid Waste Collection & Disposal							Yes		No	
Fire Protection							Yes		No	
Law Enforcement							Yes		No	

Street <u>Improvements</u>	Yes	No
Street <u>Maintenance</u>	Yes	No
<u>Administrative</u> Services	Yes	No
Services	Yes	No
Recreational Services	Yes	No

Other

* If city does not provide water to the subject area, who does? _____

What is the percentage of capacity currently being used by the city? _____

* Would city take over or allow existing use? _____

** If city does not provide sewer to the subject area, who does? _____

What is the percentage of capacity currently being used by the city? _____

** Would city take over or allow existing use? _____

8. Describe any existing or potential environmental problems and whether the proposed action is likely to improve or resolve these problems: (Example: ground or surface water problems, water quality and levels, sewage treatment, air pollutant emissions, noise, odors, affect on fish or wildlife; affect on historical resources, archaeological resources, aesthetic resources; impairment of park lands, prime farmlands, wild and scenic rivers, critical area; abandoned dump or disposal site, etc.) _____

9. Plans and programs by the receiving governmental unit for providing governmental services to the subject area and the impact of the proposed action on those services:

10. Describe the fiscal impact on the city, the subject area, and adjacent units of local government:

	Present City Year:	Present Township Year:	Subject Area Year:	Trend over last 3 yrs.
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Net Tax Capacity \$748,650

Tax Rates:

County _____

Local Unit of Gov't 18.09%

School District _____

Special Tax District _____

Insurance Rating (fire) Area adjacent to subject property is rated 6

Levy Limit \$748,650

Actual Current Levy \$708,816

Total Bonded Indebtedness 0

11. Would the proposed action affect any school district boundaries or adjacent communities?
yes ___ no ___ Describe if yes: _____

12. Are new services necessary for the subject area?
yes ___ no ___ If so, which ones: _____

What is the current capacity of the sewer and water systems, how much is being used and by whom?

13. Can necessary governmental services best be provided by the proposed boundary adjustment or would another type of boundary adjustment be more appropriate?

yes _____ by proposed action no _____ by _____

14. If the boundary adjustment were approved:

a. Would the city/township suffer any undue hardship? yes ___ no X

Describe if yes: _____

b. Would the symmetry of the city/township be effected? yes ___ no X

Describe if yes: _____

c. Should the subject area be increased or decreased? yes ___ no X

Describe if yes, and attach a revised area map: _____

15. Has the city/township provided any improvements to the subject area? yes ___ no X

If so, which ones and when: The Township has provided no improvements in the subject area.

16. Has the city/township assessed the subject area for the improvements? yes ___ no X

Describe if yes: _____

17. Will the subject area be assuming any city/township indebtedness? yes ___ no X

Describe if yes: _____

18. Has there ever been a previous boundary adjustment filed for this property or substantially the same property before? yes ___ no ___ Describe if yes: _____

19. Why have you filed a petition/objection for boundary adjustment? _____

20. Will the boundary adjustment generate a need for an Environmental Assessment Worksheet (EAW) or an Environmental Impact Statement (EIS)? yes ___ no X

If so, why? _____

Attach any additional information which you believe is important. If you have not supplied some information, please explain why.

SUBMITTED BY:

City of _____, this _____ day of _____, 20_____

Mayor

City Clerk

Township of Stillwater, this 22 day of December, 2010

NK
Township Chair Sheila-Marie untiedt

Kathryn Schmoeckel
Township Clerk Kathryn Schmoeckel

BY: _____, this _____ day of _____, 20_____

Property Owner

Property Owner

BY: _____, this _____ day of _____, 20_____

Property Owner

Property Owner

Complete the form as fully and completely as possible. Any information that is not supplied, and is readily available, and must be obtained by the Office of Administrative Hearings - Municipal Boundary Adjustments will be charged back against the party who did not supply it. A jointly completed form is also acceptable.

If you have any questions, contact the Municipal Boundary Adjustments Office at (651) 361-7900.

FACTUAL INFORMATION

This form is being completed by City of Lake Elmo, the City in which the subject property is located to the Petition filed under Minnesota Statutes § 414. _____:

The term "subject area" refers to the area that is proposed for the boundary adjustment.

1. Present population and number of households, past population and projected population growth of the subject area:

	<u>Subject Area</u>	<u>City</u>	<u>Township/ Other City</u>
1990 Population	_____	5,903	_____
2000 Population	_____	6,863	_____
Current Population	_____	8,326 (2009 Est.)	_____
Current Households	_____	2,814 (2009 Est.)	_____
Projected in 5 years	_____	14,177	_____
Source of Data	_____	U.S. Census Bureau	_____
		Met Council	

2. Geographic Features:

a.

	<u>Present City</u>	<u>Present Township</u>	<u>Subject Area</u>	<u>Adjacent Unit of Gov't</u>
Total Acreage	15,523 acres	_____	_____	_____

- b. Describe any waterways in or adjacent to the subject area: (rivers, streams, shorelands, protected water, protected wetlands, watershed districts): Ponds are present on the site, there are wetlands present as well as shown on the NWI maps. This property is located within the Brown's Creek Watershed District

- c. Are the waterways subject to any State or Federal regulation?
Describe if yes: Yes – some small wetland areas are present per National Wetlands Inventory maps.

- d. Generally describe the soils in the subject area: Restrictive soils present on the site. Soils generally classified as "Forest soils of east-central Minnesota" according to MN DNR "Soils and Land Surfaces of MN (Cummings and Grigal) map.

e. Describe the terrain in the subject area: Rolling with varied topography, wetlands and open water present on portions of the site.

3. Contiguity: The perimeter of the subject area is approximately 55% bordered by the municipality and 23% by the township and 22% by the City of Oak Park Heights.

4. Present pattern of physical development, planning, and intended land uses in the subject area and adjoining areas:

a. The land uses are: (Fill in approximate acreage or percentages if available instead of yes or no.)

	City		Township		Subject Area	
	Yes	No	Yes	No	Yes	No
<u>Residential</u>	X					
<u>Institutional (tax exempt)</u>						
<u>Commercial/Retail</u>						
<u>Industrial</u>						
<u>Agricultural</u>	X					
<u>Vacant Lands</u> (current zoning)	X					

b. What type of development is proposed for the subject area?
RAD – Rural Agricultural Density: Single family residential/open space at 18 units per 40 acres of buildable land.

c. What are the current adjacent land uses and/or zoning?
Within the City of Lake Elmo: RR – Rural Residential and A - Agriculture Zoning; Adjacent land is used for conservation/open space land, residential, residential subdivision, rural residential. Subject property is used for rural residential, vacant/open space, and is used by the adjacent recycling/composting operation in Oak Park Heights for the storage of composting and recycling materials. None of the subject area appears to be used for active agricultural production.

5. The present transportation network:

a.

	Present City	Present Township	Subject Area
Number of Miles of Highway, Streets, and Roads	<u>.4 miles (highway)</u>	<u>.2 miles (streets)</u>	

b. Are any transportation changes planned in the subject area? yes ___ no ___ in the city? yes X no ___ in adjacent areas? yes X no ___

c. What are the major roads/highways that serve the subject area and adjoining areas? State Highway 36, State Highway 5, Manning Avenue

6. Land Use Controls and Planning:

a. Comprehensive Plan (Attach copy of portion that applies to subject area):

	City	Township	County	Region
Adoption Date	<u>8/17/10</u>	_____	_____	_____
Status of Plan	<u>Approved</u>	_____	_____	_____
No Existing Plan	_____	_____	_____	_____

b. Have any area planning authorities adopted an official position on the proposed boundary adjustment? (planning commissions, boards, joint boards, Met Council, Regional Development Commissions, county, etc.)

yes X no _____ supportive _____ non-supportive X

If yes, describe and attach copy of position document: City of Lake Elmo Resolution No. 2010-072 opposed to the detachment and supplemental resolution which is forthcoming pending meetings with affected parties.

c. Please check where the following exists and give any necessary explanations on how it relates to the proposed boundary adjustment. (Since it may be possible that two or more ordinances attempt to regulate the same area, please circle whose ordinance presently applies to the subject area.)

	City		Township		County		Date Adopted		
	Yes	No	Yes	No	Yes	No	City	Town	County
<u>Zoning</u>		<u>X</u>							
<u>Subdivision Regulations</u>		<u>X</u>							
<u>Official Map</u>		<u>X</u>							
<u>Capital Improvements/ Budget</u>		<u>X</u>							
<u>Fire Code</u>		<u>X</u>							
<u>Shoreland Ordinance</u>		<u>X</u>							
<u>Floodplain Ordinance</u>		<u>X</u>							
<u>Wild & Scenic Rivers Ord.</u>									
<u>Sanitation Ordinance (on-site sewage treatment)</u>		<u>X</u>							<u>X</u>

Attach copies of maps and portions of ordinances that apply to subject area.
Lake Elmo Zoning Map and Future Land Use Map of area and A - Agriculture Zoning

District regulations attached.

d. What is the current zoning of the subject area? A - Agriculture and how long has it been in effect? Since it was ordered annexed into the City of Lake Elmo as recently as 1998 by the Minnesota State Municipal Board.

e. What is the anticipated zoning if this boundary adjustment is approved?

f. Is the subject area, or any portion thereof, eligible for deferred tax treatment "Green Acres" (Minn. Stat. § 273.111) because of agriculture or other use?
yes _____ no _____ Describe if yes: _____

g. Has the city established separate Urban and Rural Taxing Districts (Minn. Stat. § 272.67) in the subject or adjoining area?
yes _____ no X Describe if yes: _____

7. Present governmental services being provided in the subject area:

	City provides to city		City provides to subject area		City will provide to subject area		Township provides to township		Township provides to subject area	
	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
* Water	X			X	X					
** Sanitary Sewer/ Wastewater Treatment		X		X			X			
Storm Sewer	X			X	X					
Solid Waste Collection & Disposal		X		X			X			
Fire Protection	X			X						
Law Enforcement		X		X			X			
Street Improvements	X			X			X			
Street Maintenance	X			X			X			
Administrative Services	X			X			X			
Recreational Services	X			X			X			

Other _____

* If city does not provide water to the subject area, who does? _____

What is the percentage of capacity currently being used by the city? The City's system is planned for growth, and there is adequate capacity to serve anticipated future development areas.

* Would city take over or allow existing use? _____

** If city does not provide sewer to the subject area, who does? No one - this area is not guided for sewer development and will be serviced by individual or community private septic systems.

What is the percentage of capacity currently being used by the city? _____

** Would city take over or allow existing use? _____

8. Describe any existing or potential environmental problems and whether the proposed action is likely to improve or resolve these problems: (Example: ground or surface water problems, water quality and levels, sewage treatment, air pollutant emissions, noise, odors, affect on fish or wildlife; affect on historical resources, archaeological resources, aesthetic resources; impairment of park lands, prime farmlands, wild and scenic rivers, critical area; abandoned dump or disposal site, etc.) The City has received complaints in the past regarding odors from the composting operation being conducted on the site. The City's nuisance ordinances would not apply if the site was detached from the City. There are wetlands present on the site and identified on the National Wetlands Inventory maps. The City has adopted a Storm Water Management Plan and Surface Water ordinances that would regulate these sites. The site is located adjacent to the Highway 36/Manning Avenue interchange, and there are planned City improvements to the southern leg of this intersection.

9. Plans and programs by the receiving governmental unit for providing governmental services to the subject area and the impact of the proposed action on those services: No plans have ever been considered, reviewed, or discussed to provide services to this area. None of the affected authorities have pursued detachment of these parcels.

10. Describe the fiscal impact on the city, the subject area, and adjacent units of local government:

	Present City Year:	Present Township Year:	Subject Area Year:	Trend over last 3 yrs.
Net Tax Capacity	\$12,832,416			

Tax Rates:

County	29.69%
Local Unit of Gov't	21.83%
School District	29.29%
Special Tax District	5.57% (County)
Insurance Rating (fire)	6 (w/fire hydrant); 9 (w/o fire hydrant)
Levy Limit	\$2,409,867
Actual Current Levy	\$2,789,559
Total Bonded Indebtedness	\$555,386

11. Would the proposed action affect any school district boundaries or adjacent communities?
 yes no Describe if yes: Possibly – the adjacent property in Stillwater Township is subject to an orderly annexation agreement with the City of Stillwater, and is intended to be annexed into the City of Stillwater in the future. If the subject property were to remain in Stillwater Township, it would be isolated from the rest of the township in a few years.

12. Are new services necessary for the subject area?
 yes no If so, which ones: Not at this time.

What is the current capacity of the sewer and water systems, how much is being used and by whom? The City's water system has been planned to accommodate all future growth areas. There is sufficient capacity within the current system to serve the subject area as planned. The City currently only serves the extreme southwestern portion of the City with public sanitary sewer; all future sewer areas will connect to the Metropolitan Council regional system. The subject area is outside of any planned sewer portions of the City.

13. Can necessary governmental services best be provided by the proposed boundary adjustment or would another type of boundary adjustment be more appropriate?

yes by proposed action no by (no services are required of the area remains rural)

14. If the boundary adjustment were approved:

a. Would the city/township suffer any undue hardship? yes no
 Describe if yes: For numerous reasons, including, but not limited to the potential for future use to be altered to a non-residential use, which would be in conflict with the adjacent surrounding land in Lake Elmo.

b. Would the symmetry of the city/township be effected? yes no
 Describe if yes: The proposed detachment would leave a 6.5 acre parcel that is completely

surrounded by the township and separated from all other land within he City of Lake Elmo. Detachment would also create an island within the City and would cross a prominent geographical/physical boundary, that being T.H.36. The immediately adjacent area of Stillwater township is not planned and guided for agricultural uses. It is not even planned to remain in Stillwater township for the long term. It is subject to an orderly annexation agreement with the city of Stillwater which provides that it will become part of the city of Stillwater in 2015, or earlier upon development. The effect of the detachment would be to create an isolated area, projecting south of Highway 36, belonging first to Stillwater Township, and then to the City of Stillwater, where no other land of these municipalities was ever planned to exist or necessary. Neither Stillwater Township, nor City of Stillwater has land south of the natural boundary of T.H.36.

c. Should the subject area be increased or decreased? yes ____ no ____
Describe if yes, and attach a revised area map: _____

15. Has the city/township provided any improvements to the subject area? yes ____ no X
If so, which ones and when: _____

16. Has the city/township assessed the subject area for the improvements? yes ____ no X
Describe if yes: _____

17. Will the subject area be assuming any city/township indebtedness? yes ____ no X
Describe if yes: _____

18. Has there ever been a previous boundary adjustment filed for this property or substantially the same property before? yes X no ____ Describe if yes: This property was annexed into the City of Lake Elmo from Baytown Township in 1998.

19. Why have you filed a petition/objection for boundary adjustment? _____

20. Will the boundary adjustment generate a need for an Environmental Assessment Worksheet (EAW) or an Environmental Impact Statement (EIS)? yes ____ no X
If so, why? _____

Attach any additional information which you believe is important. If you have not supplied some information, please explain why.

SUBMITTED BY:

City of Lake Elmo, this 7th day of January, 2011
[Signature] [Signature]
 Mayor City Clerk

Township of _____, this _____ day of _____, 20____

Township Chair

Township Clerk

BY: _____, this _____ day of _____, 20____

Property Owner

Property Owner

BY: _____, this _____ day of _____, 20____

Property Owner

Property Owner

Complete the form as fully and completely as possible. Any information that is not supplied, and is readily available, and must be obtained by the Office of Administrative Hearings - Municipal Boundary Adjustments will be charged back against the party who did not supply it. A jointly completed form is also acceptable.

If you have any questions, contact the Municipal Boundary Adjustments Office at (651) 361-7900.

DATA RESOURCES

1. POPULATION:

State Demographer www.demography.state.mn.us
Metropolitan Council www.metrocouncil.org

2. GEOGRAPHIC FEATURES:

County Soil & Water Conservation Office
University of Minnesota, Dept of Ag www.extension.umn.edu/AgBusiness
MN Board of Water & Soil Resources www.bwsr.state.mn.us
Land Management Information Center www.lmic.state.mn.us

3. LAND USE:

County, City and Township Offices
Metropolitan Council www.metrocouncil.org
Land Management Information Center www.lmic.state.mn.us

4. TRANSPORTATION:

County, City and Township Offices
Minnesota Department of Transportation www.dot.state.mn.us

5. ENVIRONMENTAL:

County, City and Township Offices
Minnesota Pollution Control Agency www.pca.state.mn.us
Minnesota Department of Health www.health.state.mn.us
Land Management Information Center www.lmic.state.mn.us

6. PLANNING:

County Zoning Administrator
Regional Development Commissions
Local Planning Board & Commissions
Local City or Township Administrators
Metropolitan Council www.metrocouncil.org

7. GOVERNMENTAL SERVICES:

County, City and Township Offices
Regional Development Commissions
Metropolitan Council www.metrocouncil.org
Minnesota Pollution Control Agency www.pca.state.mn.us

8. FISCAL DATA:

City, Township, and County Auditor
State Auditor www.auditor.state.mn.us

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§ 154.033 AG OR A – AGRICULTURAL.

(A) *Permitted uses and structures.*

- (1) Farm, suburban or rural;
- (2) Poultry facilities meeting state and federal regulations;
- (3) Farm buildings;
- (4) Farm drainage and irrigation systems;
- (5) Forestry meeting state and federal regulations;
- (6) One farm dwelling per farm (also see §§ 154.091 and 154.105);
- (7) One non-farm dwelling per each 40 acres, or part of a dwelling on a prorated basis, not already containing a farm or non-farm dwelling, provided:

(a) The dwelling unit is located on a separate parcel of record in the office of the County Recorder and/or County Auditor, which shall be at least 1-1/2 acres in size;

(b) The parcel on which the dwelling unit is located must have at least 125 feet of frontage along a public street, be rectangular in shape and no dimension to be greater than 3 times the other; and

(c) The dwelling is separated by at least 300 feet from the nearest farm building.

- (8) Wayside stands;
- (9) Agricultural sales businesses subject to performance standards outlined in § 154.110; and
- (10) Joint ownership of property or ownership by association or rental for the purpose of providing private gardens or forest plots to its members or lessees.

(B) *Uses permitted by conditional use permit.*

- (1) Greenhouses;
- (2) Kennels;
- (3) Stables;
- (4) Commercial recreation of a rural nature, including outdoor target ranges;

Lake Elmo, MN Code of Ordinances

(5) Agricultural service establishments primarily engaged in performing agricultural animal husbandry or horticultural services on a fee or contract basis, including sorting, grading, and packing fruits and vegetables for the owner, lessee, or sublessee; agricultural produce milling and processing for the owner, lessee, or sublessee; horticultural services; fruit picking; grain cleaning; veterinary services; boarding and training of horses;

(6) Open space development projects, as regulated by §§ 150.175 *et seq.*;

(Ord. 97-40, passed 12-1-1998; Am. Ord. 97-182, passed 10-3-2006)

(7) Non-agricultural low impact uses pursuant to the standards described in division (F) of this section; and

(8) Agricultural entertainment businesses subject to the following performance standards:

(a) The property proposed to be used for agricultural entertainment must be located with direct access to a collector or arterial street as identified in the comprehensive plan;

(b) All parking must occur on-site, be on a primary surface such as class five gravel or pavement; and must be set back at least 30 feet from all property lines;

(c) No more than 25% of the site may be covered with impervious surface and the remainder shall be suitably landscaped;

(d) Roof top or outside building mechanical equipment must be screened from view from adjacent properties and rights-of-way with an opaque material architecturally compatible with the building(s);

(e) Trash containers must be located inside or screened in an acceptable manner;

(f) Discharge of firearms, including blanks, shall not be allowed on the property;

(g) The property owner shall give the city permission to conduct inspections of the property in order to investigate complaints;

(h) The property owner must take reasonable steps to prevent trespassing on adjacent properties by employees, contractors or patrons;

(i) Usable primary and alternate well and septic sites sized for the maximum anticipated usage of the property shall be identified on the property. Alternate sites shall be protected in the site plan design, and will only need to be used upon failure of a primary site; and

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(j) Adherence to the general review criteria applicable to all CUP applications.

(Am. Ord. 97-57, passed 7-18-2000; Am. Ord. 97-191, passed 4-3-2007)

(C) *Accessory uses and structures* (see §§ 154.092 and 154.093).

(1) Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted uses and structures as defined in § 11.01;

(2) Private garages, carports, screen houses, conservatories, playhouses, swimming pools and storage buildings, as defined in § 11.01, for use by occupants of the principal structures; and

(Am. Ord. 97-38, passed 11-17-1998)

(3) Home occupations.

(D) *Minimum district requirements.*

<i>Agricultural Zoning District</i>	<i>Farm Dwellings and Related Structures and Activities and Non-Farm Dwellings if not Clustered</i>	<i>Non-Farm Dwellings and Activities if Clustered</i>
Lot Size	Nominal 40 acres A 40-acre parcel not reduced by more than 10% due to road rights-of-way and survey variations	1-1/2 acres (if clustered)
Lot Width	300 feet	125 feet
Primary Building setback from property lines: (Also see § 154.082)		
Front:	200 feet	30 feet
Side (Interior):	200 feet	10 feet
Rear:	200 feet	40 feet
Side Corner:	200 feet	25 feet
Arterial Street:	200 feet	50 feet

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Primary Building Height (Also see § 154.083)	35 feet	35 feet
Off-Street Parking (Also see § 154.095)	N/A	3 spaces per dwelling unit
Accessory Building or Structure setback from property lines: (Also see §§ 154.092 and 154.093)		
Front:	200 feet	30 feet
Side (Interior):	200 feet	10 feet
Rear:	200 feet	40 feet
<i>Agricultural Zoning District</i>	<i>Farm Dwellings and Related Structures and Activities and Non-Farm Dwellings if not Clustered</i>	<i>Non-Farm Dwellings and Activities if Clustered</i>
Side Corner:	200 feet	25 feet
Arterial Street:	200 feet	50 feet
Setback for all animal buildings, feedlots, and manure storage sites shall be as follows: (Also see §§ 154.092 and 154.093)		N/A
Any property line	200 feet	N/A
Any existing well, or residential structure on the same parcel	50 feet	N/A
Any existing well, or residential structure on an adjacent or nearby parcel	200 feet	N/A
Any body of seasonal or year-round surface water	200 feet	N/A
<i>Agricultural Zoning District</i>	<i>Minimum District Requirements</i>	

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Septic Drainfield Regulations (Also see §§ 51.002 through 51.008)	All lots must have at least 1 acre of land suitable for septic drainfields and area sufficient for 2 separate and distinct drainfield sites. Placement of the second required drainfield between the trenches of the first drainfield is prohibited.
Minimum Width of Primary Dwelling or Structure	All dwelling units must be at least 20 feet wide through the main living area of the structure.
Footings	All dwelling units must have frost footing. Continuous frost footings are not required for porches, decks, and other appendages as long as proper post-type footings, per existing Building Codes are constructed.
Minimum Lot Size for Clustering	The entire tract of land for which a cluster development as proposed shall not be less than 61 acres in size.
<i>Agricultural Zoning District</i>	<i>Minimum District Requirements</i>
Cluster Density	The maximum number of dwelling units proposed for the entire tract, including any existing buildings, shall not exceed 1 unit per 40 acres or major part of the tract. For example, a tract of land consisting of 101 acres might qualify for 3 dwelling units on a prorated basis.
Minimum and Maximum Road Frontage in Cluster Development	A parcel on which a dwelling unit is located shall have at least 125 feet of frontage along a public street and a maximum of 500 feet.
Signage	See §§ 151.115 through 151.124
Driveway Width	See § 93.26

(Am. Ord. 97-57, passed 7-18-2000)

(E) *Clustered development standards.*

(1) The Council hereby finds that cluster development, as defined in this

Lake Elmo, MN Code of Ordinances

chapter, provides a means to preserve good agricultural land, open green space, scenic views, and other desirable features of the natural environment. It is, accordingly, the purpose of the cluster development standards to permit and encourage cluster development where appropriate.

(2) The owner of any tract of land in an agricultural district may submit a plan for the use and development of the tract of land as a cluster development and apply for a permit authorizing completion of the project according to the plan. The plan for the proposed project shall conform to all of the regulations applicable to agricultural districts, except as follows:

(a) A plat shall be approved that complies with the city's subdivision ordinance; the entire parcel of land shall be included within the plat;

(b) All new lots created by the cluster development shall be contiguous;

(c) Each lot created shall be used for no more than 1 single-family home which shall meet the following requirements: Each dwelling unit shall be located on a separate parcel of record in the office of the County Recorder and/or County Auditor; the separate parcel shall be at least 1-1/2 and not more than 2 acres in size, except the remaining large lot; and

(d) Any land which is to be set aside as an outlot shall be clearly identified as such on the plat, and shall be dedicated as permanent open space in a manner approved by the City Attorney and City Council.

(F) *Non-agricultural low impact use standards.*

(1) (a) The city desires to maintain and preserve open space and agricultural land within the city. The city recognizes the monetary regards that may be enjoyed by a farmer or larger property owner who sells his or her land for development. The city further recognizes that allowing non- agricultural low impact uses, strictly controlled and regulated by conditional use permit, might allow a farmer or large property owner an economical use of his or her property that is zoned for agriculture. The following standards shall apply to these types of uses.

(b) It is also the intent of the city to preserve the appearance of rural character within the community by establishing standards for the setback and screening from adjacent property and public roadways by natural features of any open storage as may be associated with the non-agricultural use.

(Am. Ord. 97-76, passed 3-6-2001)

(2) (a) All of the property owner's real estate that is contiguous to the non-agricultural low impact use must be zoned Agricultural and remain so zoned while the conditional use permit is in effect.

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(b) The area where the non-agricultural low impact use is located shall be legally defined as approved by the city and is hereafter known as the "Non-Ag Area." The Non-Ag Area shall not exceed 4% of the property owner's contiguous agricultural zone gross lot area. The building footprints and asphalt and concrete surfaces within the Non-Ag Area shall not exceed 1.5% of the property owner's contiguous agricultural zone gross lot area. Landscaping, berms, ponds, gravel driveways, and other improvements that would otherwise be permitted in the Agricultural zone may be located outside of the Non-Ag Area.

(c) Non-agricultural low impact uses shall only be allowed on a parcel of a nominal 40 acres or larger.

(d) Non-agricultural low impact uses shall not generate more than 3 trips per day per acre of contiguous agriculturally zoned area, with the exception of land, with sole access to Hudson Boulevard that shall not generate more than 6 trips per day per acre.

(Am. Ord. 97-112, passed 6-18-2002)

(e) Any uses under this section involving the outside storage of vehicles, equipment, or goods shall be located a minimum of 200 feet from any public roadway or adjacent landowner's boundary, except that the setback from the I-94 frontage road shall be not less than 50 feet. In addition, any such outside storage shall be screened from view from adjacent property and the public roadway by berms and landscaping. A plan for such screening shall be submitted with the application for the conditional use permit which shall clearly demonstrate by view cross-sections that said screening will be effective immediately, and in all seasons. Degradation of such screening by loss of landscape materials, outdoor storage of items that exceed the screened height or for any other reason shall be grounds for rescinding the outdoor storage portion of the conditional use permit.

(Am. Ord. 97-71, passed 3-6-2001)

(f) Non-agricultural low impact uses may not generate more than 3.0 SAC units per 3.5 acres or 235 gallons per day per net acre of land based upon design capacity of facilities, whichever is more restrictive.

(g) The property owner shall maintain the remaining land or farm outside of the CUP Area in accordance with the permitted uses of the Agricultural zoning district and the required practices of the Soil and Water Conservation District.

(h) All lighting shall comply with the city's regulations.

(i) All signs shall comply with the city's regulations.

(j) Rate and volume of runoff from the CUP shall not exceed the 1% rule and shall be verified by the City Engineer.

(k) In the event that the property owner, or future property owner,

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initiates a Comprehensive Plan amendment and rezoning of any or all of the contiguous real estate from Agriculture to a more intensive use, the conditional use permit shall terminate and all non-conforming structures shall be removed from the site within 1 year from the date of the City Council's adoption of the Comprehensive Plan amendment and rezoning, unless the city agrees otherwise. This section shall not apply if the city initiates rezoning or if property owner is forced to transfer title to any part of the contiguous real estate due to eminent domain.

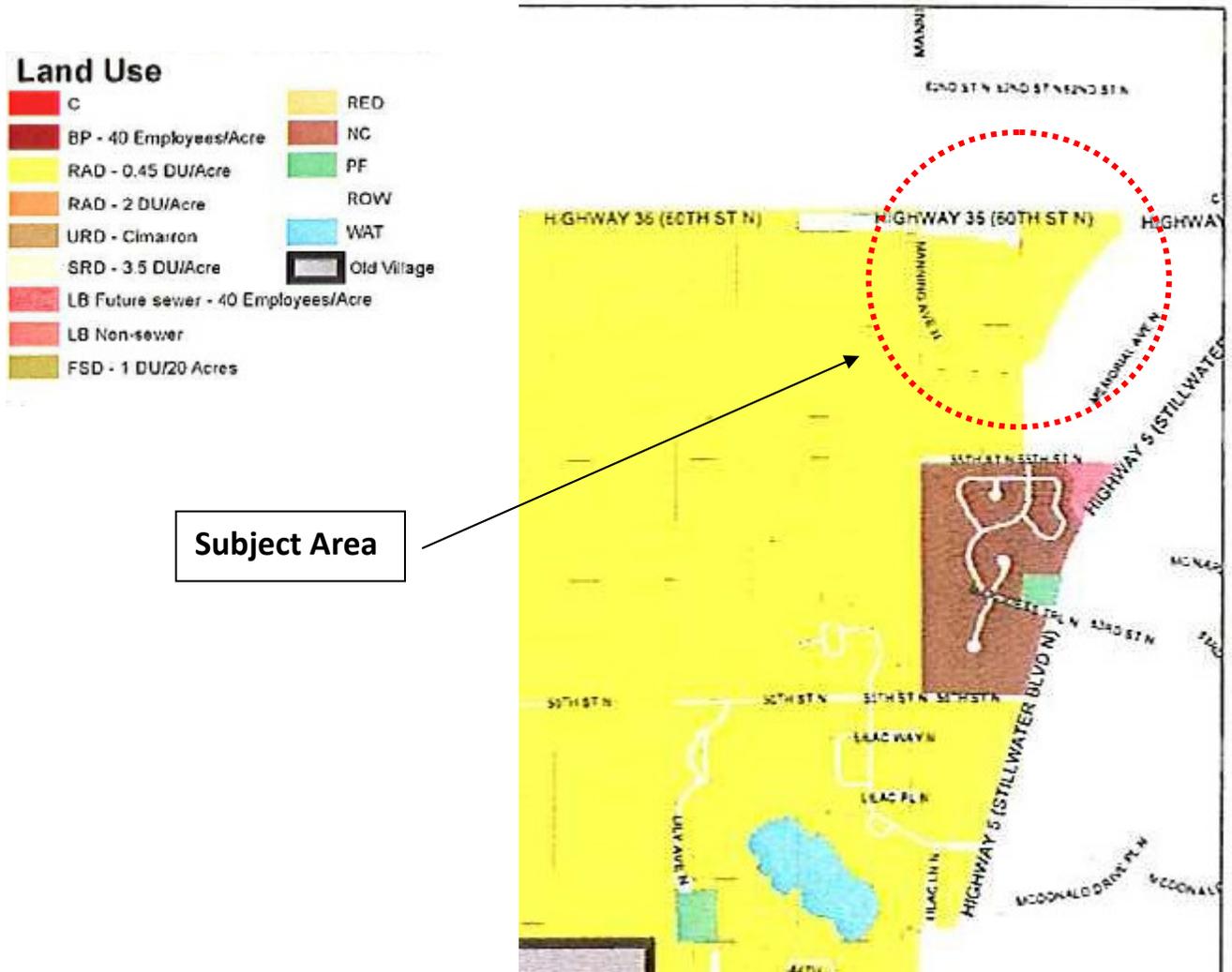
(l) Non-agricultural low impact uses may not include a bus/truck terminal or the parking or storage of semi-trailer trucks or any vehicle over 26,000 pounds capable by design of being licensed for use on public roadways except as otherwise permitted as an interim use in the HD-A-BP zoning district.

(m) All conditional use permits granted to a non-agricultural low impact use shall be reviewed on an annual basis, and may be rescinded, after a 2-week notice and a public hearing, if the Council finds that the public health, safety, or welfare is jeopardized.

(n) The standards for buildings or structures, as listed in the minimum district requirements of the Agricultural Zone, shall not apply to structures built prior to the effective date of this chapter.

(1997 Code, § 300.07 Subd. 4.A) (Ord. 97-57, passed 7-18-2000; Am. Ord. 97-167, passed 5-16-2006; Am. Ord. 97-191, passed 4-12-2007; Am. Ord. 97-192, passed 6-19-2007; Am. Ord. 97-205, passed 12-4-2007; Am. Ord. 08-006, passed 6-17-2008; Am. Ord. 08-010, passed 11-18-2008)

**Buberl/Nass Detachment Area - Lake Elmo Comprehensive Plan
City of Lake Elmo Future Land Use Map**



Lake Elmo Comprehensive Plan – Land Use Category Description:

RAD (Rural Agricultural Density)

This classification represents low density semi-rural residential development. Working farms, Alternative Ag uses, single family detached residences, and limited life cycle housing. New development responsive to this classification shall be primarily by Conditional Use Permit in accordance with the Preserved Open Space regulations of the Zoning Ordinance, with a maximum dwelling unit density of 0.40 units per Buildable Acre. The zoning classifications related to this Land Use Plan classification shall be AG, and RR.

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

RESOLUTION NO. 2010-072

*A RESOLUTION OBJECTING TO THE PROPOSED DETACHMENT
OF REAL PROPERTY FROM THE CITY OF LAKE ELMO*

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 been presented with a petition for detachment of the land identified in Exhibit A hereto; and

WHEREAS, the City of Lake Elmo has never previously been approached by the petitioners concerning the real property in question; and

WHEREAS, the property is currently partially developed for commercial purposes and used for such purposes, specifically part of the property is used for materials recycling and composting; and

WHEREAS, the property is bordered on its north by a major geographic boundary between it and the municipality it purports to request detachment to (Stillwater Township) because the property is bordered on its north by Highway 36; and

WHEREAS, the request for detachment would be disruptive and does not remotely satisfy the requirements contained in the statutes governing detachment or the cases applying those statutes; and

WHEREAS, there are numerous other factors which clearly establish that detachment is not reasonable, appropriate or necessary in this case.

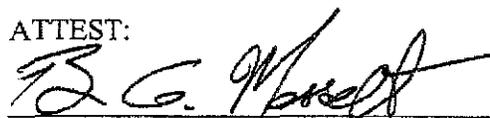
NOW, THEREFORE, be it resolved by the City Council of the City of Lake Elmo, Minnesota as follows:

That the City of Lake Elmo objects to and opposes the detachment demanded in the petition of Bernard and Loella Nass and Robert Buberl attached hereto.

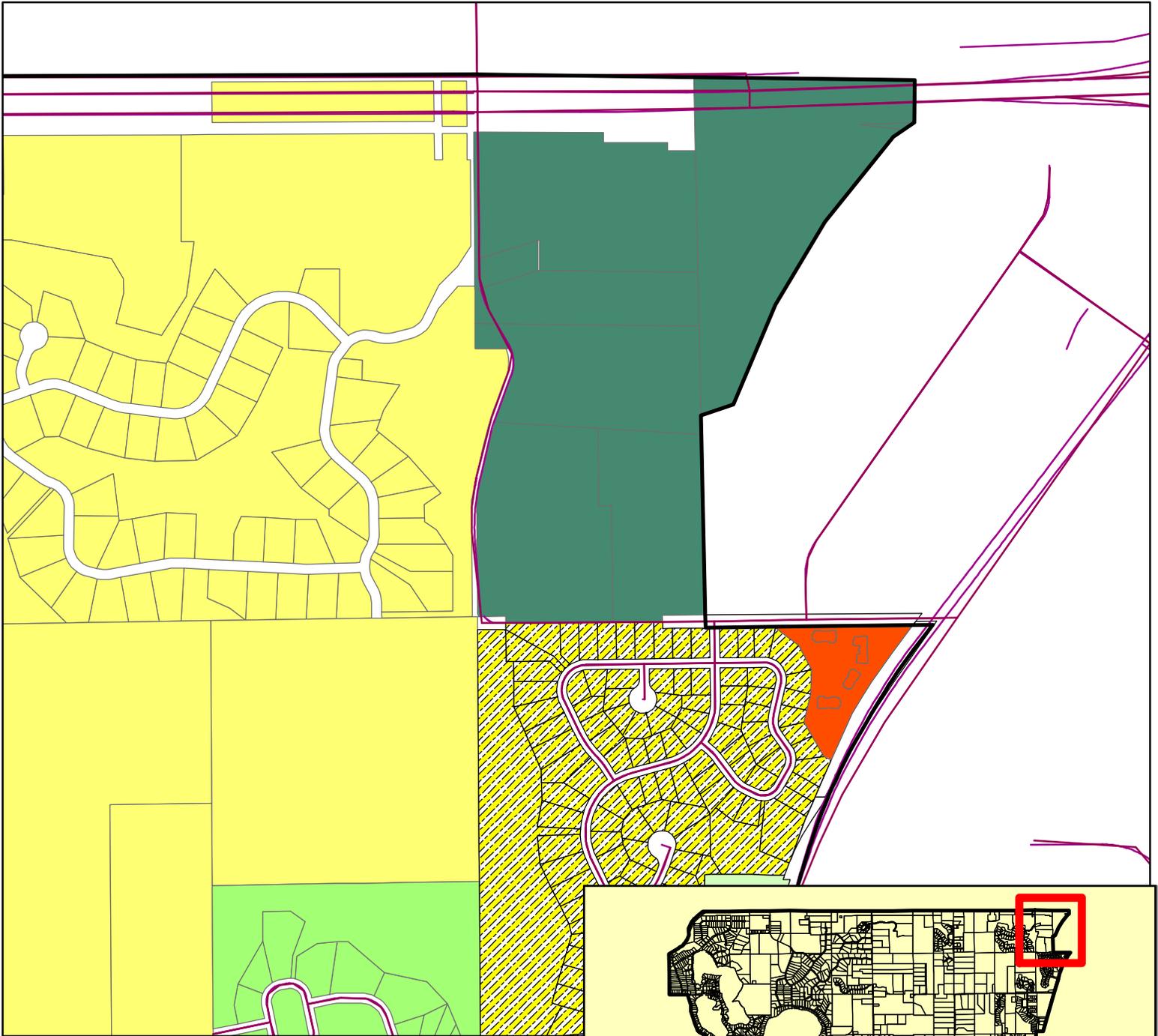
Passed and duly adopted this 7th day of December, 2010 by the City Council of the City of Lake Elmo, Minnesota.


Dean A. Johnston, Mayor

ATTEST:

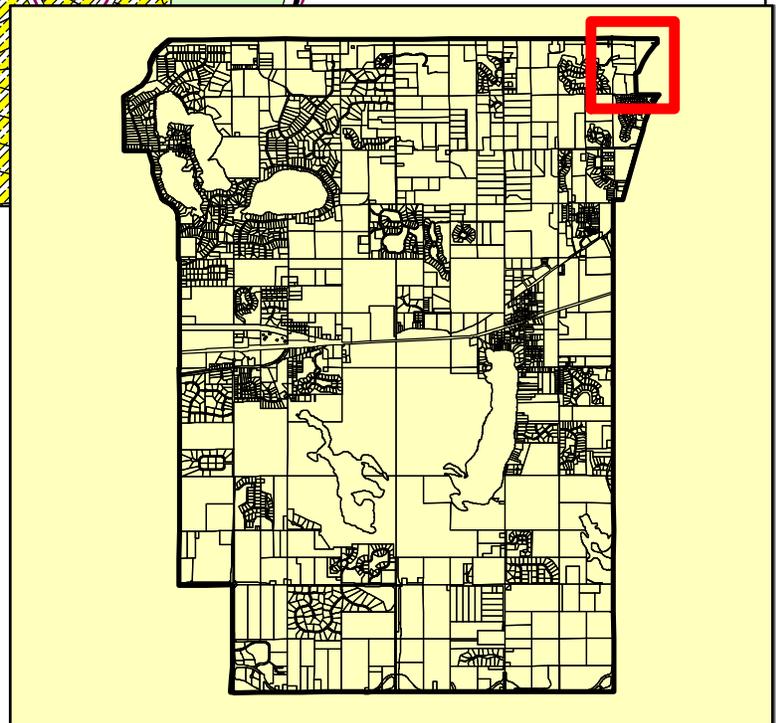

Bruce Messelt, City Administrator

Detachment Petition Parcel; Zoning Map



Lake Elmo Zoning Map

- HB
- A
- A-Baytown
- OP
- P
- R2-PUD
- RR



DATE: January 3, 2011

TO: Christine Scotillo, Executive Director
Municipal Boundary Adjustments Unit
Office of Administrative Hearings
State of Minnesota

FROM: Lisa Barajas, Senior Planner (651-602-1895)
Planning & Growth Management
Metropolitan Council

SUBJECT: MBA Docket D-478 Lake Elmo/Stillwater Township
Information Submission
Review File No. 20818-1
Metropolitan Council District 12, Sherry Broecker

In accordance with the Memorandum of Understanding between the Metropolitan Council (Council) and the Municipal Boundary Adjustments, Office of Administrative Hearings, State of Minnesota (MBA), Council staff prepares an Information Submission for any contested case hearing within the Twin Cities Metropolitan Area.

The Information Submission presents demographic, land use, environmental, and regional utility information for the jurisdiction(s) involved in the hearing. Most of the information comes from local comprehensive plans and the Council's Metropolitan Development Guide, which includes the *2030 Regional Development Framework* (hereafter Framework) and the Council's metropolitan system plans for Parks, Transportation (including Aviation and Transit), and Water Resources.

The petitioners propose that their 50.74 acres of land be detached from the City of Lake Elmo and annexed to Stillwater Township. The property in question is located in the northeastern portion of Lake Elmo along Highway 36 and Manning Avenue. The Council reviewed the comprehensive plan updates for each of those communities in 2010 and 2009 respectively.

Demographic Characteristics

The Council adopted forecasts for cities, townships, and counties in the metropolitan area in January 2004 as part of its Framework. The forecasts extend to 2030 and anticipate the addition of nearly one million people added to the region between 2000 and 2030. In the local comprehensive plans, both the City of Lake Elmo and Stillwater Township adopted the Council's forecasts for their communities. Those forecasts are shown in Table 1 below. It should be noted that forecasts are intended to reflect the boundaries of the two communities as they existed at the time the forecasts were prepared, while reflecting the known orderly annexation agreement between Stillwater Township and the City of Stillwater.

Table 1. Metropolitan Council Forecasts for the City of Lake Elmo and Stillwater Township

	City of Lake Elmo		
	2010	2020	2030
Population	9,952	18,403	24,000
Households	3,619	6,324	8,727
Employment	2,250	7,200	14,000
	Stillwater Township		
	2010	2020	2030
Population	2,690	2,940	3,350
Households	960	1,100	1,260
Employment	120	120	120

Lake Elmo’s comprehensive plan update, reviewed by the Council March 24, 2010 (Review File No. 2010-89), did not consider the detachment of land from its jurisdiction. The Council’s review found that Lake Elmo’s plan was “consistent with the Council’s forecasts and with regional policies.”

Stillwater Township’s comprehensive plan update, reviewed by the Council April 10, 2009 (Review File No. 20431-1), did not consider the inclusion of land into the Township. To the contrary, The Township’s plan, along with the City of Stillwater’s comprehensive plan update (reviewed May 26, 2010, Review File No. 20631-1), included plans for carrying out the final annexation phases of the Orderly Annexation Agreement (OAA) between the two jurisdictions by 2015. The OAA does include annexation of the approximately 73-acre property adjacent to the north of the subject property from Stillwater Township to the City of Stillwater.

Regional Policy

The Framework, adopted by the Council in 2004, presents the Council’s most recent “vision” for the region. Figure 1 (attached) shows the Framework’s geographic planning areas for the proposed annexation area, as well as the surrounding areas. The subject property, located in Lake Elmo, is designated as a Rural Residential planning area. The land adjacent to the north in Stillwater Township is designated as Diversified Rural, while the City of Stillwater is designated as a Developed Area and the City of Oak Park Heights as a Developing Area.

The text of the Framework encourages local communities to accommodate growth in a flexible, connected, and efficient manner. Strategies for all communities include:

- Support land use patterns that efficiently connect housing, jobs, retail centers, and civic uses within and among neighborhoods.
- Encourage growth and reinvestment in adequately sewered urban and rural centers with convenient access to transportation corridors.
- Promote development strategies that help protect and sustain the regional water supply.

Regional Systems

Figure 2 shows the existing and planned regional systems in the vicinity of the subject property. Regional systems include Parks, Transportation (including Aviation and Transit), and Water Resources.

Regional Parks

There are not any existing regional parks facilities, including parks, park reserves, or trails, within the vicinity of the subject property. However, the proposed Washington County Central Greenway Regional

Trail, which will connect Big Marine Park Reserve, Lake Elmo Park Reserve, and Cottage Grove Ravine Regional Park, is planned to run along the Manning Avenue corridor, abutting the subject property's western boundary. Lake Elmo, the City of Stillwater, and Stillwater Township have all planned for this corridor in their local comprehensive plan updates; therefore, the proposed annexation/detachment is not expected to have adverse impacts on the regional parks system.

Transportation

The Council's *2030 Transportation Policy Plan (TPP)* identifies Trunk Highway 36, adjacent to the northern boundary of the subject property, as a principal arterial highway. The subject property falls within the Council's Transit Market Area IV, whose service options include dial-a-ride, volunteer driver programs, and ridesharing.

Aviation

Neither Stillwater Township nor Lake Elmo have regional or private airports located within their jurisdictions. There is a regional airport, Lake Elmo Airport, located in southwestern corner of Baytown Township. The proposed detachment is not expected to impact the regional aviation system.

Water Resources

Lake Elmo is currently being provided with wastewater services via Metropolitan Council Environmental Services (MCES) interceptor I-WO-500, with treatment provided at the Metropolitan Wastewater Treatment Plant in St. Paul. This service point provides service to those areas of the City served through the southwest corner of the community. Lake Elmo is also planning to serve central and southern portions of the City, and will be provided service through interceptor 806300, which is located near Lake Elmo Avenue North and I-94 and extends into Woodbury. Wastewater from this portion of the community will be conveyed to and treated at Eagles Point Wastewater Treatment Plant in Cottage Grove.

Stillwater Township is currently served entirely by private sub-surface sewage treatment systems. The Metropolitan Council does not have plans to provide regional wastewater services to the community within the 2030 planning period.

The City of Stillwater is currently being provided wastewater treatment services. Wastewater generated within the City is conveyed to and treated at the Metropolitan Council's St. Croix Valley Wastewater Treatment Plant located in Oak Park Heights. As the City implements the remainder of the OAA with Stillwater Township, it plans to extend wastewater services to the newly annexed properties. The Metropolitan Disposal System, with its scheduled improves has, or will have, adequate capacity to serve the City's growth needs as identified in their local comprehensive plan update. A copy of the Council's review report for the City of Stillwater Comprehensive Plan Update can be found in Attachment 3. Figure 8 shows the City's planned future land uses.

Land Use Plan

Lake Elmo

Lake Elmo contains a total of 15,250 acres, of which 30% were parks, open space, public facilities, and open water. Residential land uses composed another 63% of the land in the community, while roadways and commercial or industrial land uses filled the remaining 7% of the community. The City's plan for 2030 includes intensifying the residential land uses to higher densities and expanding commercial and business land uses in the Village Area and in the I-94 corridor south of 10th Street. All areas outside of those two districts are planned to remain in their comparatively rural land use guiding.

Copies of the Council’s plan review, the City’s 2006 existing land use map, and the City’s 2030 future land use plan are attached (see Attachment 1, and Figures 4 and 5). Table 2 below compares the City’s existing and planned land uses.

Table 2. Existing and Future Land Uses, City of Lake Elmo

Land Use	Existing 2006		Planned 2030	
	Acres	% of Total	Acres	% of Total
Business Park	121	0.8%	362	2.4%
Commercial	114	0.7%	58	0.4%
Limited Business	243	1.6%	61	0.4%
Neighborhood Conservation	0	0.0%	1658	10.9%
Public/Semi-Public Facilities	3450	22.6%	3381	22.2%
Rural Agricultural Density	7020	46.0%	5171	33.9%
Residential Estates Density	760	5.0%	691	4.5%
Right-of-Way	509	3.3%	545	3.6%
Single-family Residential Density	1709	11.2%	1069	7.0%
Urban Residential Density	169	1.1%	169	1.1%
Water	1155	7.6%	1155	7.6%
Village - High Density Residential	0	0%	7	0.0%
Village - Low Density Residential	0	0%	77	0.5%
Village - Medium Density Residential/Mixed Use	0	0%	86	0.6%
Village - Greenbelt	0	0%	717	4.7%
Village - Public/Semi-Public	0	0%	43	0.3%
Total	15250		15250	

The Lake Elmo Comprehensive Plan Update was submitted to the Council for review as required by the Metropolitan Land Planning Act (Minnesota Statutes Section 473.864, Subdivision 2). The Council reviewed the City’s plan on March 24, 2010, and found the plan to conform to the regional systems plans for Transportation (including Aviation), and Water Resources Management (wastewater services and surface water management); to be consistent with the Council’s Framework and policy requirements for forecasts, land use, individual sewage treatment systems, and water supply; and to be compatible with the plans of adjacent governmental units, affected special districts, and affected school districts.

The Council’s action included required revisions to the Lake Elmo plan to address conformance issues for regional parks related to the Lake Elmo Regional Park Reserve and to address the Council’s housing policy requirements for the accommodation of affordable housing for consistency with Council policy.

Stillwater Township

Stillwater Township contains a total of 11,124 acres that are primarily rural/agricultural land uses (80%). About 10% of the Township is single-family residential along the St. Croix River, with 3% designated as park, and another 6% guided as a Transition Zone. The areas guided for Transition Zone are subject to the existing OAA with the City of Stillwater. These areas are guided at an interim residential density of 1 dwelling unit per 10 acres in order to accommodate potential future urbanization upon annexation to the City.

The Township is planning to accommodate a small amount of growth, about 300 households, through 2030 on larger, rural lots that are currently undeveloped. As such, the Township does not anticipate significant land use change through 2030 outside of the annexation of land to the City to the south.

Copies of the Council’s plan review, the Township’s existing land use map, and the Township’s 2030 future land use plan are attached (see Attachment 2, and Figures 6 and 7). Existing and planned land uses for the Township are compared in Table 3 below.

Table 3. Existing and Future Land Uses, Stillwater Township

Land Use	Existing 2006		Planned 2030	
	Acres	% of Total	Acres	% of Total
Agriculture (A-4)	9012	81%	9012	87%
Transition Zone (TZ)	716	6%	0	0%
St. Croix River District (Residential)	1071	10%	1071	10%
Park	325	3%	325	3%
Total	11,124		10,408	

The Stillwater Township Comprehensive Plan Update was submitted to the Council for review as required by the Metropolitan Land Planning Act (Minnesota Statutes Section 473.864, Subdivision 2). The Council reviewed the Township’s plan on April 22, 2009, and found the plan to conform to the Council’s regional systems plans for Transportation (including Aviation), Regional Parks, and Water Resources Management (wastewater services and surface water management); to be consistent with the Council’s Framework and policy requirements for forecasts, housing, land use, and individual sewage treatment systems; and to be compatible with the plans of adjacent governmental units, affected special jurisdictions, and affected school districts.

The Township’s plan did not anticipate the inclusion of additional property into its jurisdiction.

Summary

1. The 50.74-acre Nass-Buberl Property proposed for detachment from the City of Lake Elmo and annexation to Stillwater Township is located in northeastern Lake Elmo. The area is designated in the Lake Elmo Comprehensive Plan Update as Residential Estates Density in the Existing Land Use and Rural Agricultural Density (0.45 dwelling units/acre) in the Future Land Use.
2. The Council’s *2030 Regional Development Framework* designates the proposed detachment/annexation property as Rural Residential, like the surrounding parcels within the City of Lake Elmo. Adjacent land to the north in Stillwater Township is designated as Diversified Rural, while the City of Stillwater is designated as a Developed Area.
3. Detachment/annexation of the area covered by this Information Submission would not have an adverse impact on regional systems. However, if the detachment/annexation is approved, the City of Lake Elmo and Stillwater Township will need to amend their comprehensive plans and submit comprehensive plan amendments to the Council. Given the existing Orderly Annexation for the property in Stillwater Township to the City of Stillwater which abuts the subject property, the City of Stillwater will likely need to amend their comprehensive plan update to include this property and submit a comprehensive plan amendment to the Council. The Council will review the plan amendments and make a final determination regarding regional system impacts at that time.

List of Figures

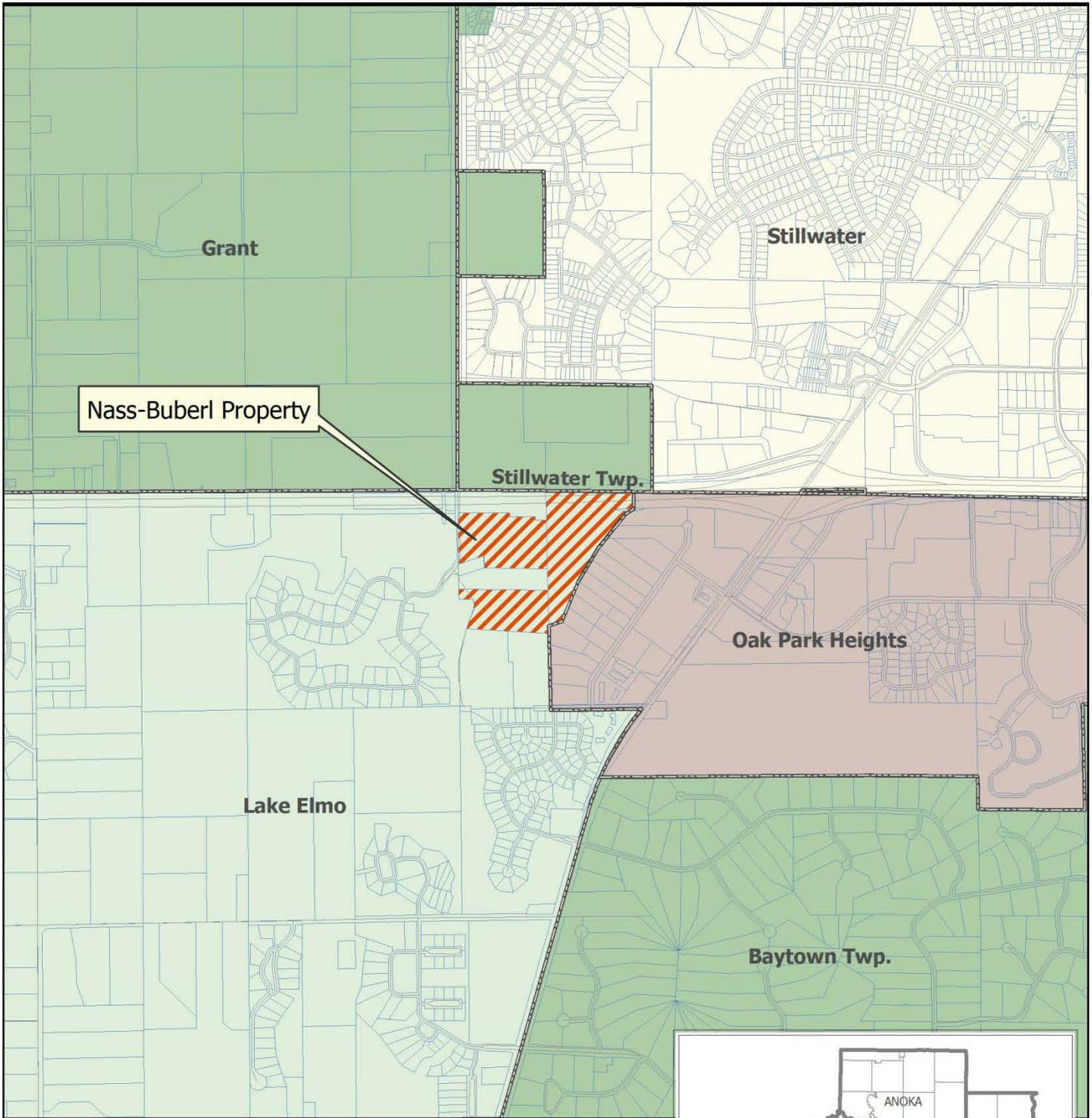
- Figure 1: 2030 Regional Development Framework Planning Areas Map
 Figure 2: Regional Systems Map
 Figure 3: Aerial Photography of Proposed Detachment/Annexation Vicinity

- Figure 4: Lake Elmo Comprehensive Plan, Existing Land Use Map
- Figure 5: Lake Elmo Comprehensive Plan, Future Land Use Map
- Figure 6: Stillwater Township Comprehensive Plan, Existing Land Use Map
- Figure 7: Stillwater Township Comprehensive Plan, Future Land Use Map
- Figure 8: City of Stillwater Comprehensive Plan, Future Land Use Map

List of Attachments

- Attachment 1: Council review report on the City of Lake Elmo 2030 Comprehensive Update, March 24, 2010
- Attachment 2: Council review report on the Stillwater Township 2030 Comprehensive Plan Update, April 22, 2009
- Attachment 3: Council review report on the City of Stillwater 2030 Comprehensive Plan Update, May 26, 2010

Figure 1. 2030 Regional Development Framework Planning Areas



2030 Framework Planning Areas

- | | | | |
|--|-------------------|---|-------------------|
|  | Developed Area |  | Diversified Rural |
|  | Developing Area |  | Agricultural Area |
|  | Rural Center |  | Non-Council Area |
|  | Rural Residential | | |



0 0.25 0.5 1

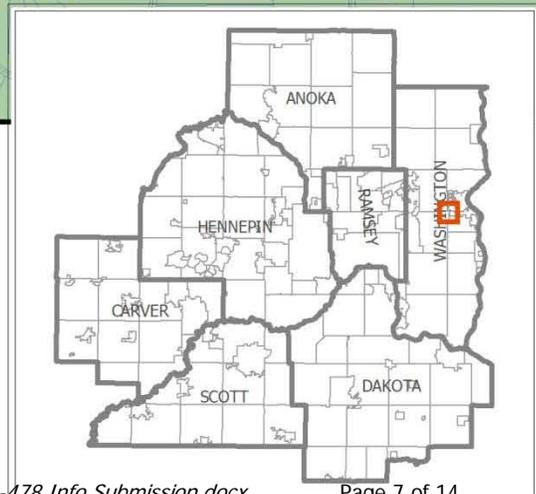
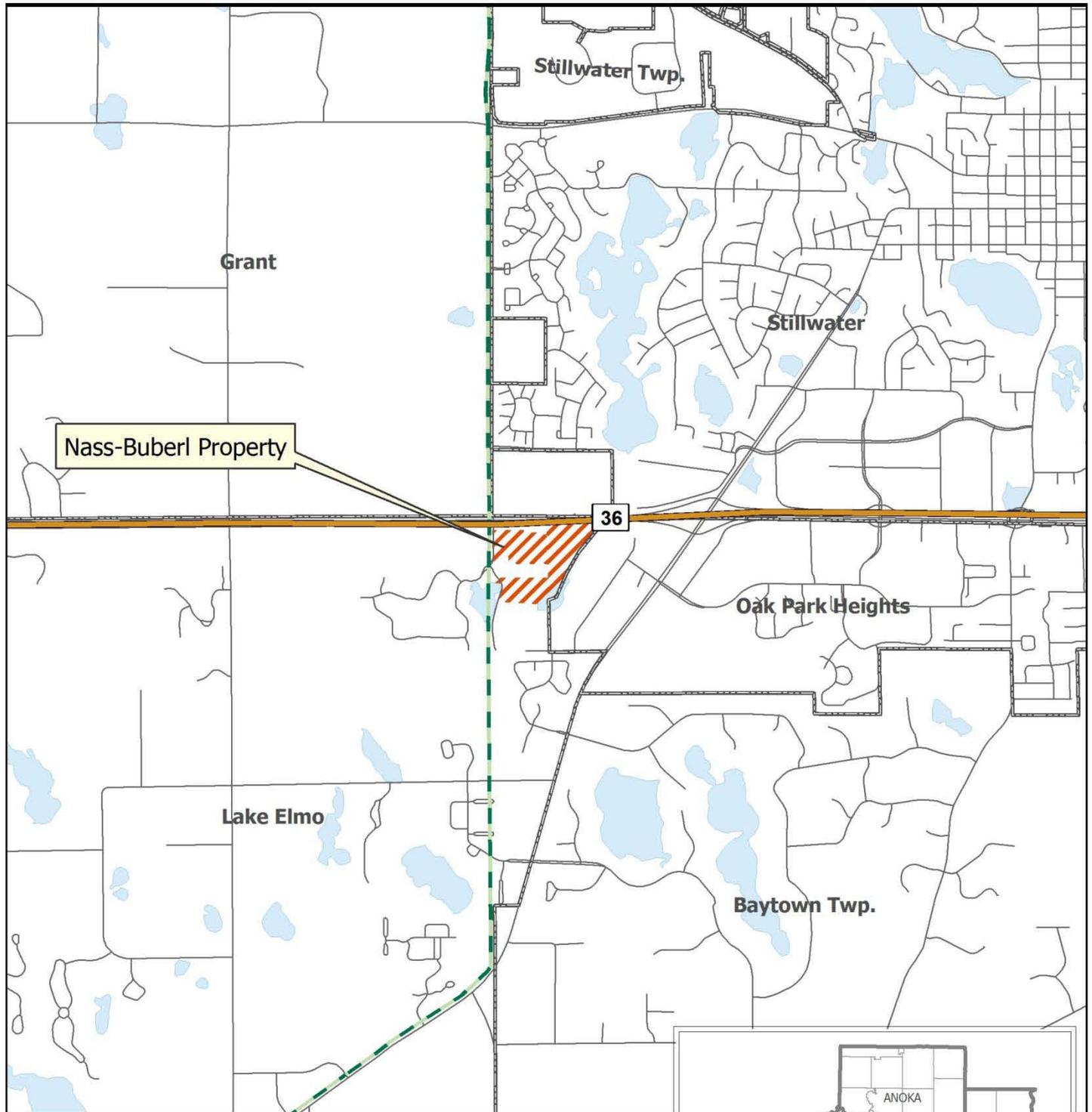


Figure 2. Regional Systems



Regional Systems

- | | | |
|------------------------------|----------------------------|------------------------|
| Waste Water Treatment Plants | Regional Parks | Regional Trails |
| Interceptors | Park Reserve | Regional Existing |
| Major Highways | Regional Park | Regional Planned |
| | Special Recreation Feature | Regional Proposed |
| | | State Existing |

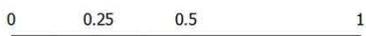
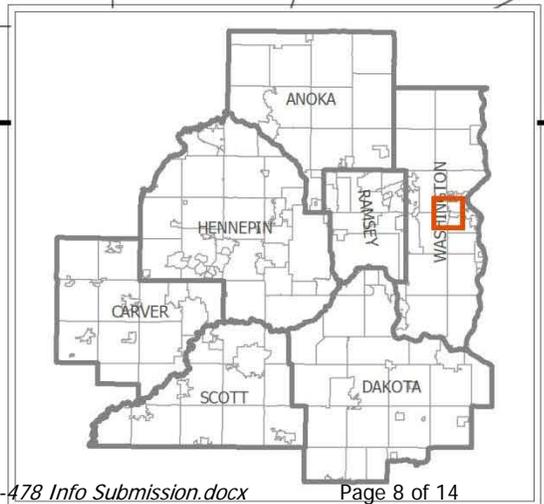
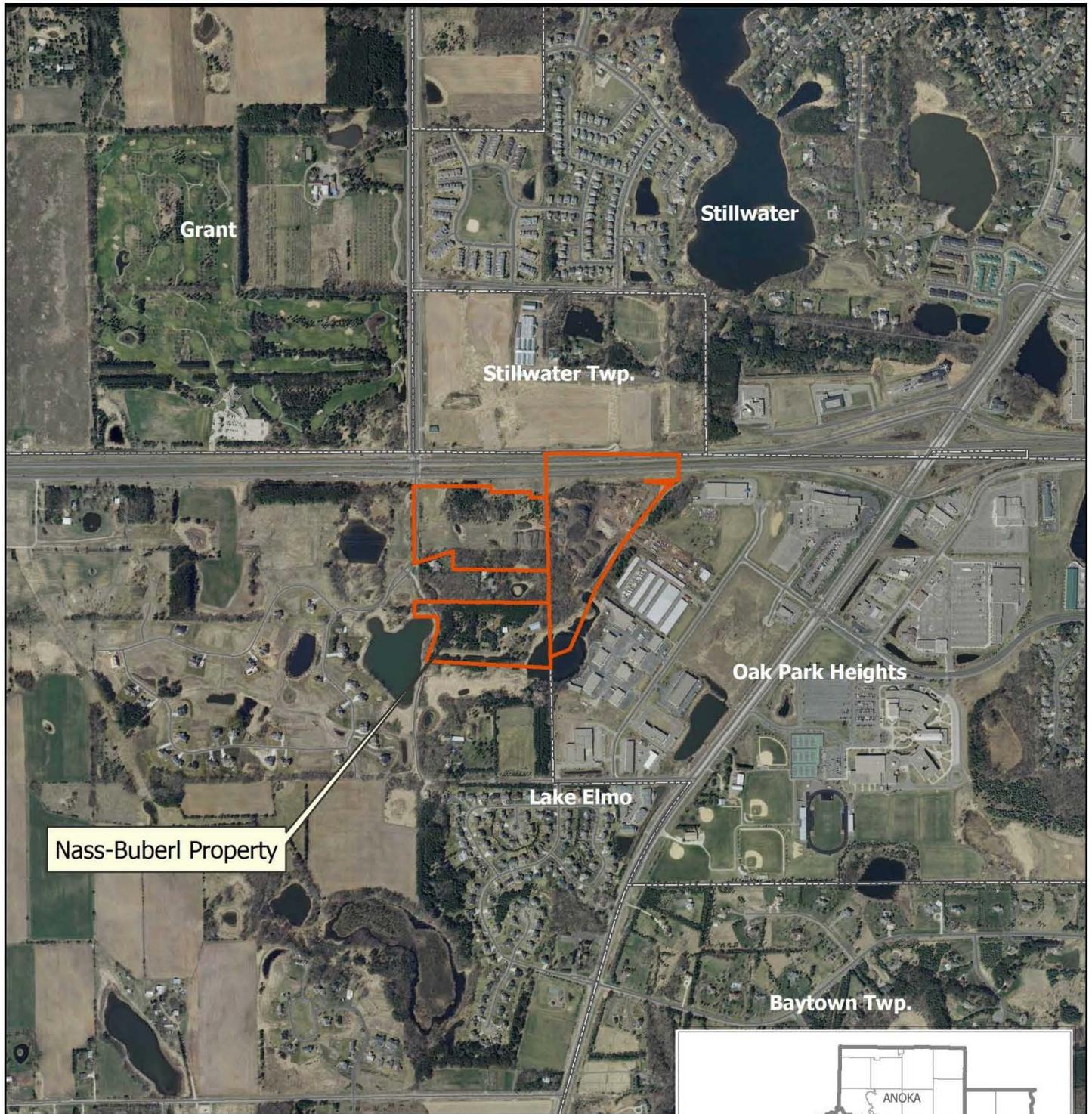


Figure 3. Aerial Photography of Proposed Detachment/Annexation Vicinity



Nass-Buberl Property



Figure 4. Lake Elmo Comprehensive Plan, Existing Land Use Map

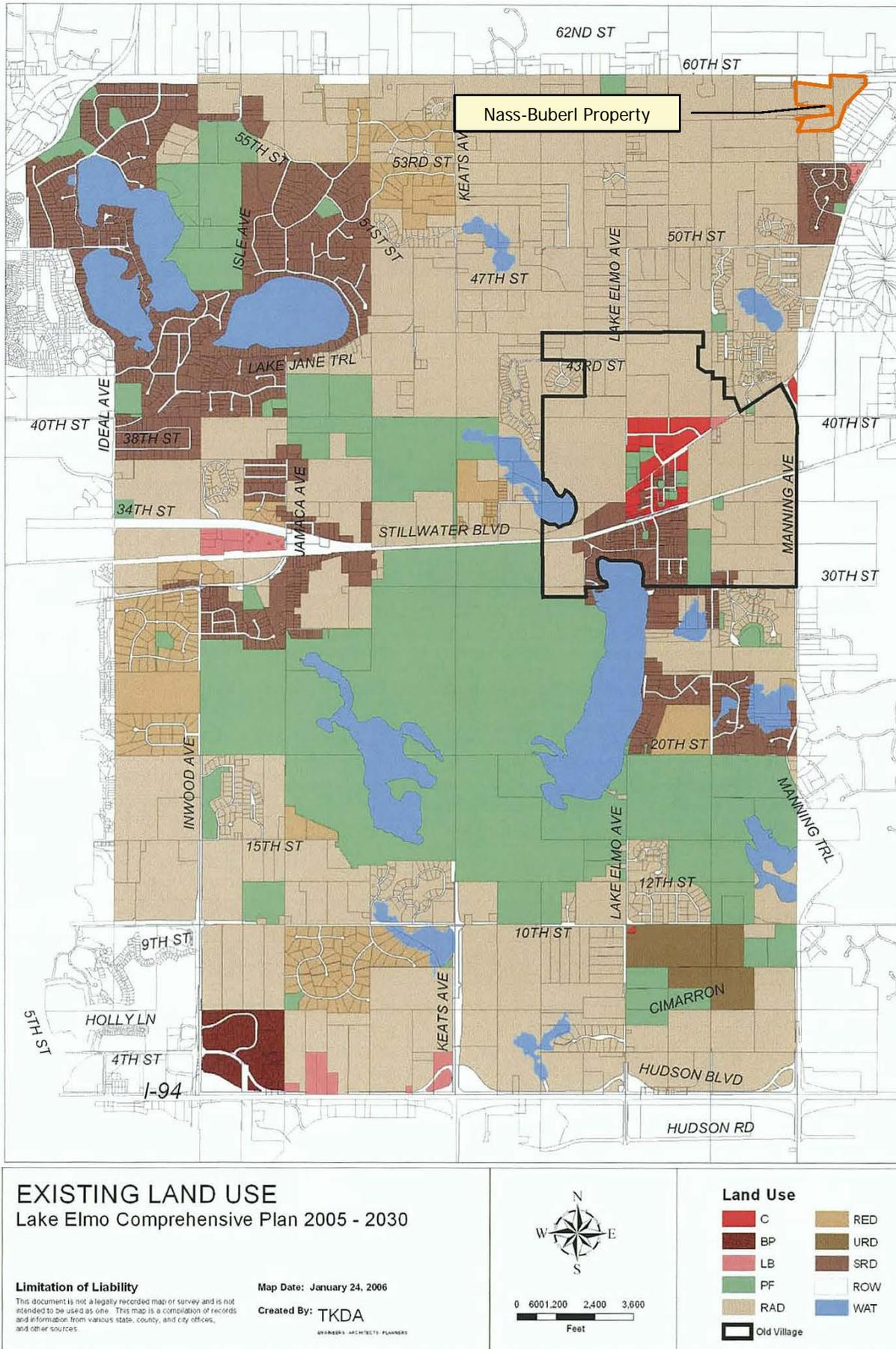
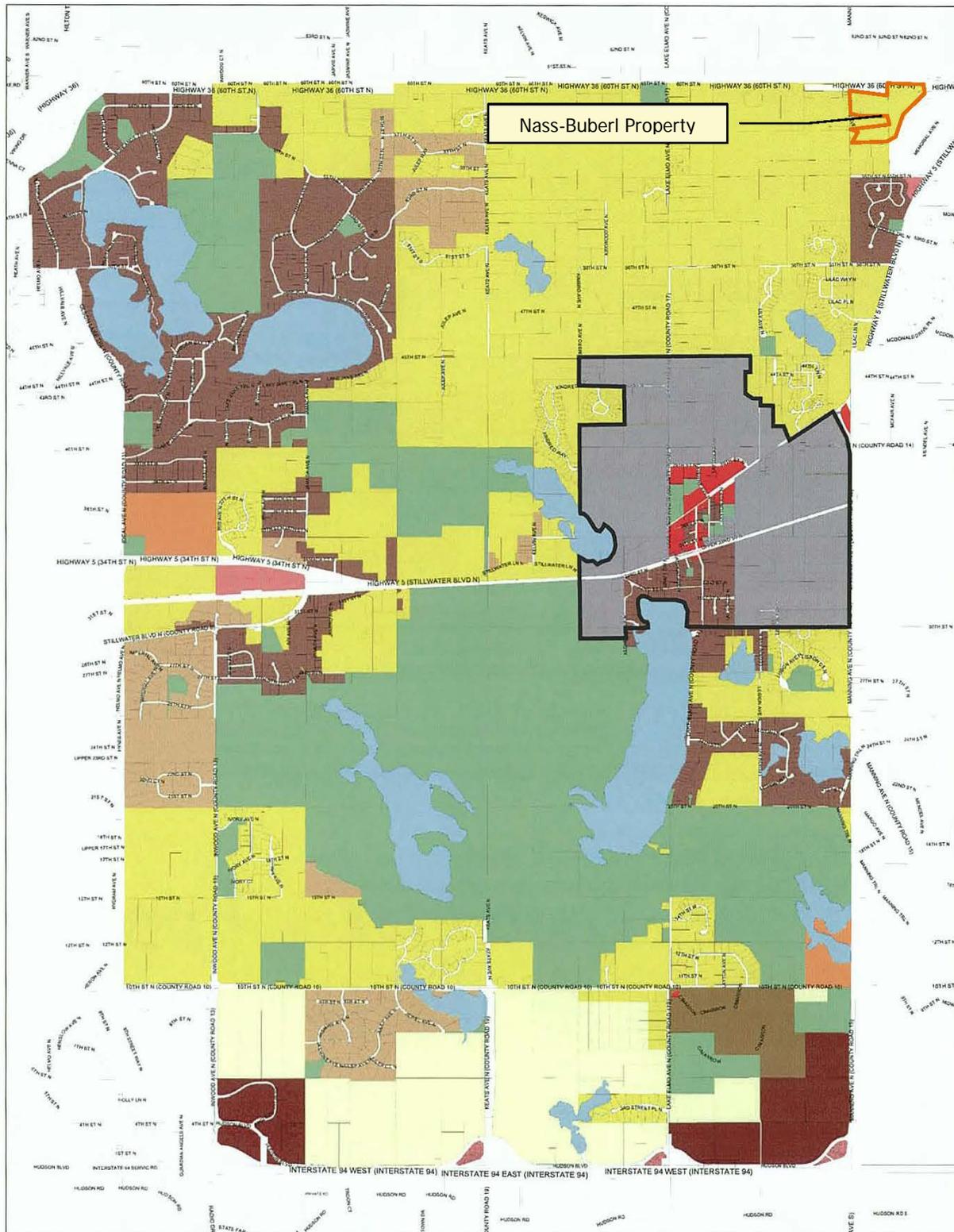


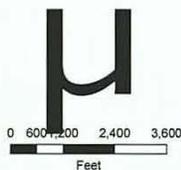
Figure 5. Lake Elmo Comprehensive Plan, Future Land Use Map



FUTURE LAND USE
 Lake Elmo Comprehensive Plan 2005 - 2030

Limitation of Liability
 This document is not a legally recorded map or survey and is not intended to be used as one. This map is a compilation of records and information from various state, county, and city offices, and other sources.

Map Date: January 31, 2006
 Created By: **TKDA**
ENGINEERS ARCHITECTS PLANNERS



Land Use	
C	RED
BP - 40 Employees/Acre	NC
PF	ROW
RAD - 0.45 DU/Acre	WAT
RAD - 2 DU/Acre	VR
URD - Cimarron	
SRD - 3.5 DU/Acre	
LB Future sewer - 40 Employees/Acre	
LB Non-sewer	

Figure 6. Stillwater Township Comprehensive Plan, Existing Land Use Map

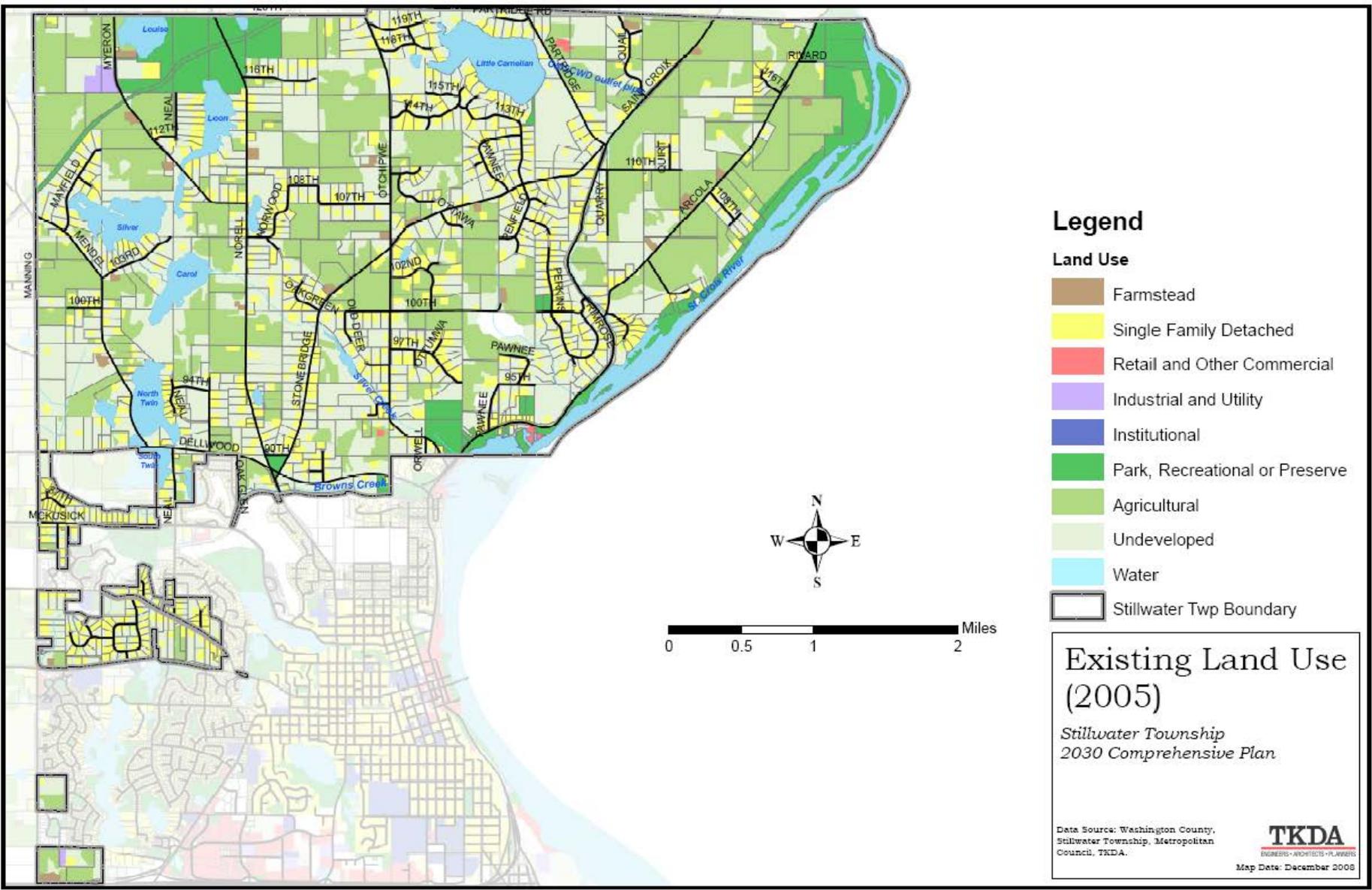
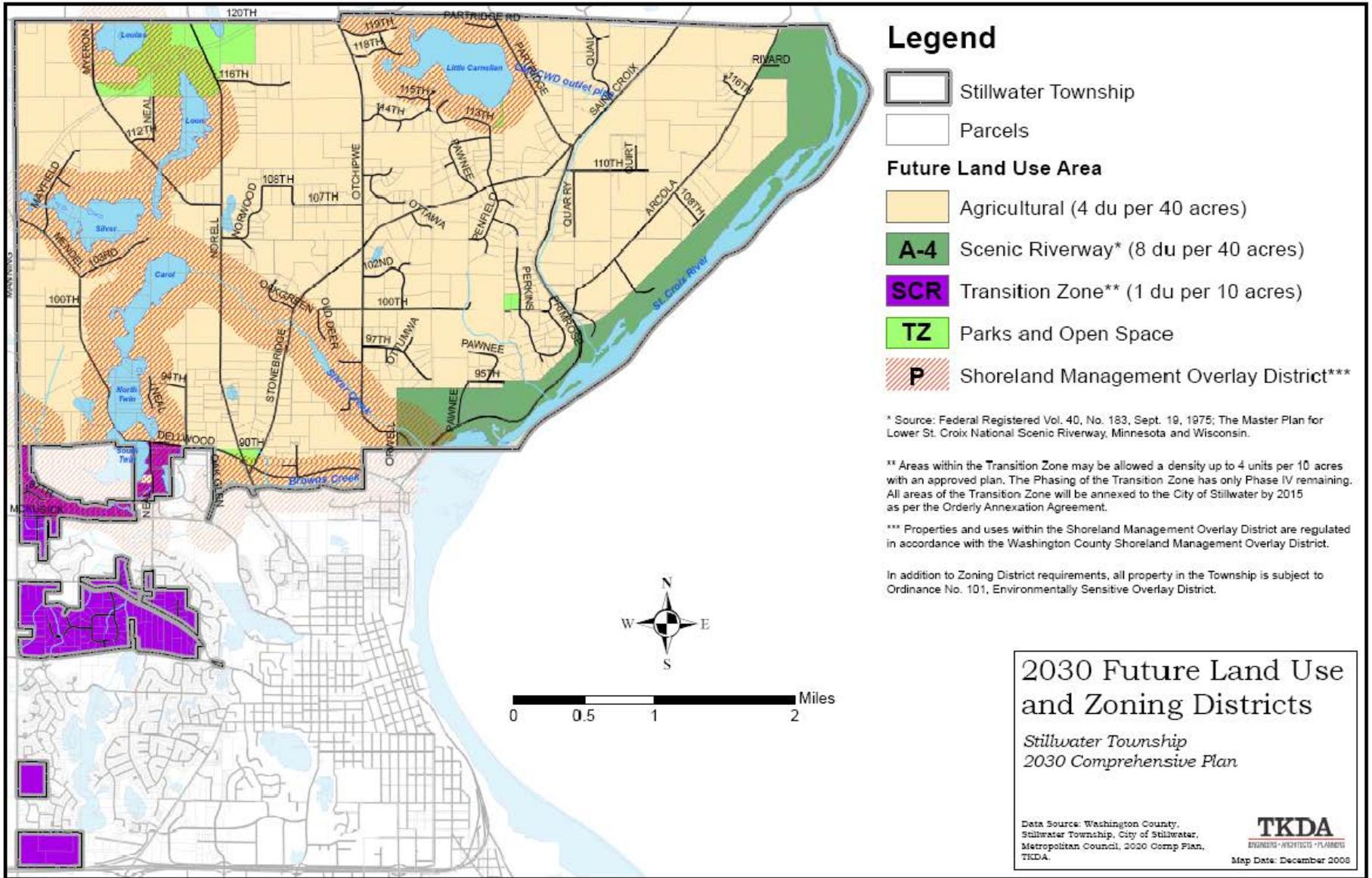


Figure 7. Stillwater Township Comprehensive Plan, Future Land Use Map



Legend

- Stillwater Township
- Parcels
- Future Land Use Area**
- Agricultural (4 du per 40 acres)
- A-4 Scenic Riverway* (8 du per 40 acres)
- SCR Transition Zone** (1 du per 10 acres)
- TZ Parks and Open Space
- P Shoreland Management Overlay District***

* Source: Federal Registered Vol. 40, No. 183, Sept. 19, 1975; The Master Plan for Lower St. Croix National Scenic Riverway, Minnesota and Wisconsin.

** Areas within the Transition Zone may be allowed a density up to 4 units per 10 acres with an approved plan. The Phasing of the Transition Zone has only Phase IV remaining. All areas of the Transition Zone will be annexed to the City of Stillwater by 2015 as per the Orderly Annexation Agreement.

*** Properties and uses within the Shoreland Management Overlay District are regulated in accordance with the Washington County Shoreland Management Overlay District.

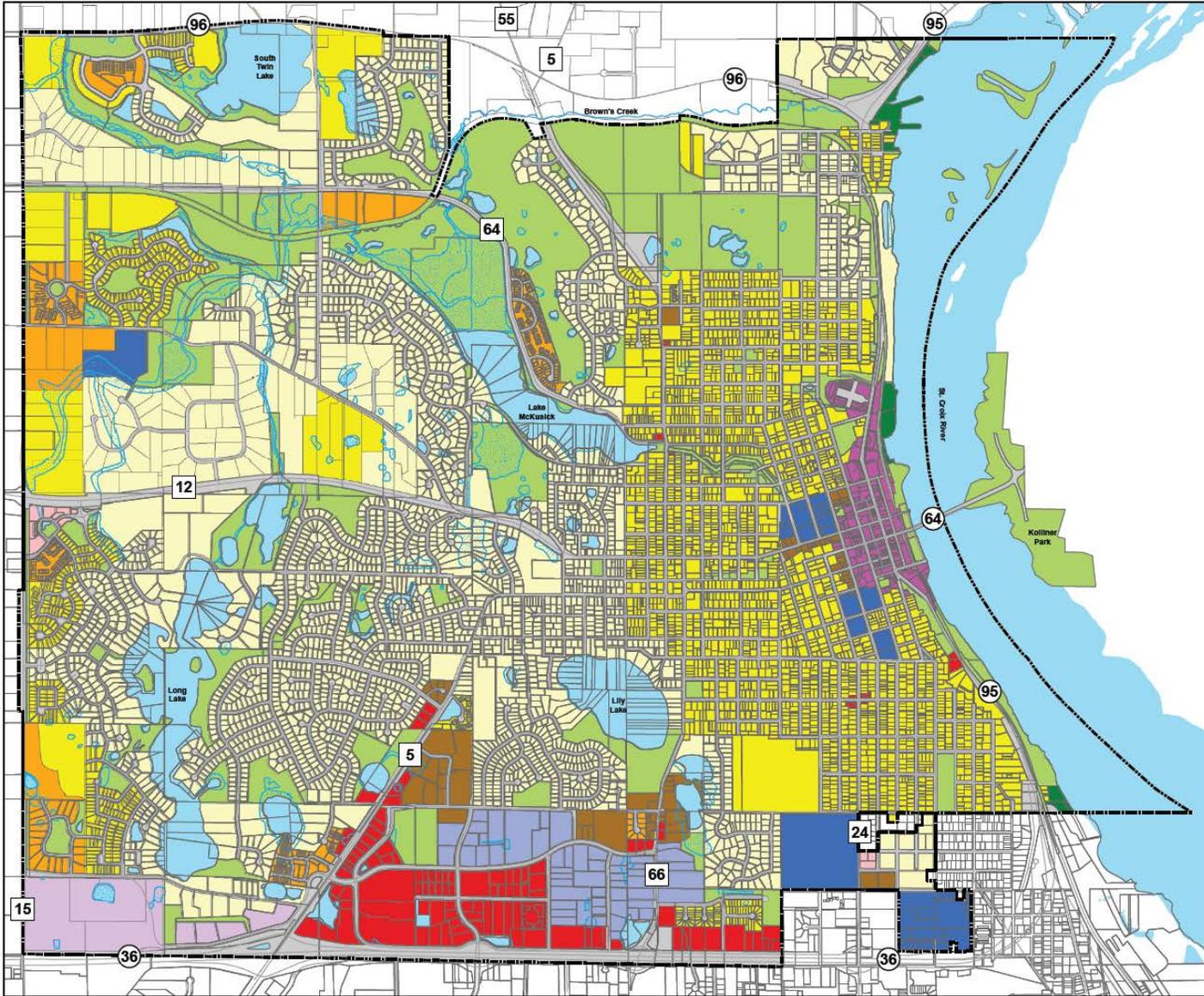
In addition to Zoning District requirements, all property in the Township is subject to Ordinance No. 101, Environmentally Sensitive Overlay District.

2030 Future Land Use and Zoning Districts
Stillwater Township
 2030 Comprehensive Plan

Data Source: Washington County, Stillwater Township, City of Stillwater, Metropolitan Council, 2020 Comp Plan, TKDA.

TKDA
BRANDS • VISIONS • PLANS
 Map Date: December 2008

Figure 2.3: 2030 Land Use



Stillwater
THE BIRTHPLACE OF MINNESOTA

2030 Future Land Use Plan
2008 Comprehensive Plan

N
W E
S
800 0 800 1,600 Feet

- 2030 City Limit
- Wetland (Undelineated)
- Low Density Residential
- Low/Medium Density Residential
- Medium Density Residential
- High Density Residential
- Neighborhood Commercial
- Commercial
- Downtown Mixed Use
- Research, Development Park
- Industrial
- Institutional
- Park, Rec or Open Space
- Marina
- Road R-O-W
- Open Water

Bonestroo
February 2, 2010
I:/510/51007001/gis/maps/Future Land Use.mxd

Figure 8. City of Stillwater Comprehensive Plan, Future Land Use Map

J Community Development Committee Environment Committee

For the Metropolitan Council meeting of March 24, 2010

ADVISORY INFORMATION

Subject: Lake Elmo 2030 Comprehensive Plan Update
Review File No. 20599-1
Tier II Comprehensive Sewer Plan

Proposed Action

That the Metropolitan Council adopt the attached Advisory Comments and Review Record and take the following actions:

Recommendations of the Community Development Committee:

1. Authorize the City of Lake Elmo to put its 2030 Comprehensive Plan Update into effect.
2. Advise the City to:
 - a. Revise the Land Use element of the Update upon the City's selection of a development scenario for the Village Area and to submit a comprehensive plan amendment to the Metropolitan Council for review of the land use revision.
 - b. Revise the Update, when the Land Use element of the Update is revised and submitted to the Metropolitan Council for review, to guide the inholdings in Lake Elmo Park Reserve as parks and open space, or a comparable land use designation, on the City's 2030 Land Use Plan map.
 - c. Implement the advisory comments in the Review Record for Transportation, Aviation, Surface Water Management, Housing, and Community and Individual Sewage Treatment Systems.

Recommendation of the Environment Committee:

Approve the City of Lake Elmo's Tier II Comprehensive Sewer Plan, contingent upon execution of a Memorandum of Understanding between the City of Lake Elmo and the Metropolitan Council consistent with the Resolution that addresses the City's petition regarding the Wastewater Inefficiency Fee.

Summary of Committee Discussion / Questions:

Community Development Committee

Senior Planner LisaBeth Barajas presented the staff's report and proposed actions to the Community Development Committee. Barajas introduced City representatives Mayor Dean Johnston, City Administrator Bruce Messelt, City Planner Kyle Klatt, and City Engineer Jack Griffin.

Chair Steffen asked for clarification on Environment Committee action, which would be reviewed at the full Metropolitan Council meeting on the same day as the action on the comprehensive plan update. Steffen indicated the need to have the Environment Committee action occur prior to the Council's action on the City's Update.

Chair Steffen asked whether the City is considering amending their development plans to develop in the I-94 corridor rather than the Village Area first, especially given current economic conditions. Barajas clarified that the City has not made changes to the land use or staging at this time, but indicated that the City has been having those discussions internally.

Chair Steffen asked for confirmation on the time frame for the City to put into plan their comprehensive plan and make the changes indicated in the proposed actions. Barajas indicated that State statute requires a plan to be put into effect within 9 months of the Council's final action on the plan, including the required changes. Barajas explained, however, that the proposed actions indicate that the City should make some of those changes when their land use element is updated upon selection of a development scenario for the Village Area, which is expected to occur this year.

Chair Steffen asked whether a time element should be included in the proposed actions. Legal counsel Dave Theisen indicates that the Council may include a time element if they choose, but that it is in statute. Chair Steffen stressed the importance of this issue due to past court action on the comprehensive plan.

Committee member Sanda asked City representatives to speak on these matters. Chair Steffen asked for clarification on whether development of Old Village will happen first or if they intend on changing their land plan to start by I-94 instead. Mayor Johnston indicated that they may not change their land plan because their first 5-year increment was in the Village Area through 2010, with their second along the I-94 corridor starting in 2010. They will be playing catch-up in the current time increment and start in the corridor, but will also pursue development in the Village Area.

Steffen asked about the parks conformance issue. The Mayor indicated that it's a housekeeping issue that will be addressed. The Mayor also discussed affordable the housing needs issue. The Mayor discussed a stipulation in the MOU that allows the City to direct the types of housing to occur within the community, including housing for lifecycle housing, but the words "low income housing" are not well received in his community. It is the City's plan to include lifecycle housing in the Village plan and that they expect to further define that later this year. Steffen discusses the federal definition of affordable housing, which requires a healthy salary to afford the housing, and is not necessarily low-income.

Committee member Bowles asked about the City's planning grant. Barajas confirmed that the City did receive a planning grant and that the second half of that grant is payable upon the City's final adoption of the plan and submittal of a City resolution adopting the plan and a report detailing how the grant dollars were spent.

Committee member Pistilli asked about changes in the land use designations and whether total acreages are consistent with what they were previously. It appears that there are more land use categories than there were previously. Barajas clarified that the City has not made changes to the land use plan, but that there are differences in the number of categories between the existing and future land use categories due to the addition of land use categories for future growth in the Village Area and the I-94 corridor. Those categories were included in the City's 2006 plan and have not changed since the Council's previous review.

Committee member Pistilli asked whether there is an agreement that details that the City develop at a certain rate by a certain time. Chair Steffen confirmed and further explained that that is the case with the MOU and the legal agreement between the Council and the City. Development will be pushed out, but the end date and the final requirements for growth are not changing.

Committee member Pistilli asked whether the Council has held other communities to the 5-year milestones. Chair Steffen explained that due to the past litigation with the City, these items were negotiated with the City, including the 5-year milestones. Pistilli asks if this is similar to LCA grant extensions that were granted due to economic downturn. Steffen confirms that due to the economic downturn, they are similar, but that the City has other development options to pursue.

Messelt added that they are also faced with the 3M contamination issue in the I-94 corridor where they do not currently have sewer infrastructure, while the Village Area has water, but no sewer. As such, they intend on developing those areas concurrently. It is the City's intent to honor the terms of the MOU.

Committee member Broecker and Committee member Wulff thank City staff hard work and good faith efforts.

Motion to approve the proposed actions was made and seconded. The Committee unanimously passed the motion.

Environment Committee

Council member Leppik commented that the advisory comments indicate that the City's parks plan does not conform to the regional systems plan, and that its affordable housing section is not consistent with Council policy. Lisa Barajas, Sector Representative, explained that these items can be corrected. She highlighted the conformance issue with parks, which is a mapping recognition in their land use section. She explained that the City did not revise its land use section because it already planned through 2030, but the City had updated its parks element, which recognizes the full extent of the Lake Elmo Park Reserve. The 2030 Land Use Map needs to guide inholding parcels as parks and open space.

Motion to approve the City of Lake Elmo's Tier II Comprehensive Sewer Plan, contingent upon execution of a Memorandum of Understanding between the City of Lake Elmo and the Metropolitan Council consistent with the Resolution that addresses the City's petition regarding the Wastewater Inefficiency Fee was made, seconded, and passed unanimously.

C Community Development Committee
Meeting date: March 15, 2010

E Environment Committee
Meeting date: March 9, 2010

ADVISORY INFORMATION

Subject:	Lake Elmo 2030 Comprehensive Plan Update Review File No. 20599-1 Tier II Comprehensive Sewer Plan
District(s), Member(s):	District 12, Council Member Sherry Broecker
Policy/Legal Reference:	Minnesota Statutes Section 473.175
Staff Prepared/Presented:	LisaBeth Barajas, Principal Reviewer, 651-602-1895 Phyllis Hanson, Local Planning Assistance Manager, 651-602-1566 Kyle Colvin, Engineering Services Asst. Manager, 651-602-1151
Division/Department:	Community Development / Planning & Growth Management Environmental Services / Engineering Services

Proposed Action

That the Metropolitan Council adopt the attached Advisory Comments and Review Record and take the following actions:

Recommendations of the Community Development Committee:

1. Authorize the City of Lake Elmo to put its 2030 Comprehensive Plan Update into effect.
2. Advise the City to:
 - a. Revise the Land Use element of the Update upon the City's selection of a development scenario for the Village Area and to submit a comprehensive plan amendment to the Metropolitan Council for review of the land use revision.
 - b. Revise the Update, when the Land Use element of the Update is revised and submitted to the Metropolitan Council for review, to guide the inholdings in Lake Elmo Park Reserve as parks and open space, or a comparable land use designation, on the City's 2030 Land Use Plan map.
 - c. Implement the advisory comments in the Review Record for Transportation, Aviation, Surface Water Management, Housing, and Community and Individual Sewage Treatment Systems.

Recommendation of the Environment Committee:

Approve the City of Lake Elmo's Tier II Comprehensive Sewer Plan, contingent upon execution of a Memorandum of Understanding between the City of Lake Elmo and the Metropolitan Council consistent with the Resolution that addresses the City's petition regarding the Wastewater Inefficiency Fee.

ADVISORY COMMENTS

City of Lake Elmo 2030 Comprehensive Plan Update and Tier II Comprehensive Sewer Plan

Review File No. 20599-1 – Council Business Item No. 2010-89

The following Advisory Comments are part of the Council action authorizing the City to implement its 2030 Comprehensive Plan Update (“Update”) and approving the City’s Tier II Comprehensive Sewer Plan:

Community Development Committee

1. The Council-adopted *Local Planning Handbook* states that the City must take the following steps:
 - a. Adopt the Update in final form after considering the Council’s review recommendations; and
 - b. Submit one electronic copy and one hard copy of the Update to the Council. The electronic copy must be organized as one unified document.
 - c. Submit to the Council a copy of the City Council resolution evidencing final approval of the Update.
2. The Council’s *Handbook* also states that local governments must formally adopt their comprehensive plans within nine months after the Council’s final action. If the Council has recommended changes, local governments should incorporate those recommended changes into the plan or respond to the Council before “final approval” of the comprehensive plan by the governing body of the local governmental unit. (Minn. Stat. § 473.858, subd. 3)
3. Local governmental units must adopt official controls as described in their adopted comprehensive plans and must submit copies of the official controls to the Council within 30 days after official controls are adopted. (Minn. Stat. § 473.865, subd. 1)
4. Local governmental units cannot adopt any official controls or fiscal devices that conflict with their comprehensive plans or which permit activities in conflict with the Council’s metropolitan system plans (Minn. Stat. §§ 473.864, subd. 2; 473.865, subd. 2). If official controls conflict with comprehensive plans, the official controls must be amended within nine months following amendments to comprehensive plans (Minn. Stat. § 473.865, subd. 3).

Environment Committee

1. The Council-approved Tier II Comprehensive Sewer Plan becomes effective only after the Update also receives final approval from the City’s governing body. After the Update receives final approval from the City and the Tier II Sewer Plan becomes effective, the City may implement its Update to alter, expand, or improve its sewage disposal system consistent with the Council-approved Tier II Sewer Plan.
2. A copy of the City Council resolution adopting its Update, including the Tier II Sewer Plan, must be submitted to the Council.

Background

The City of Lake Elmo is located in central Washington County. The City is bounded by the City of Grant to the north, the City of Stillwater and the City of Oak Park Heights to the northeast, Baytown Township and West Lakeland Township to the east, the City of Afton to the southeast, the City of Woodbury to the south, and the City of Oakdale to the west. The *2030 Regional Development Framework* (RDF) identifies the City as both Developing and Rural Residential planning areas (see Figure 2).

Applicable Planning History

In September 2002, the Metropolitan Council completed its review of the City's 1998 Comprehensive Plan and found that the City's plan was not consistent with the Council's Regional Growth Strategy and that the plan may substantially depart from and may have a substantial impact on metropolitan system plans. Consequently, the Council required the City to make modifications to its plan. After the City exhausted the administrative law judge and appellate court processes, the Minnesota Supreme Court in August 2004 affirmed prior legal decisions finding that the Metropolitan Council has the statutory authority to require the City to modify its plan.

Subsequently, the City and the Council entered into a Memorandum of Understanding (MOU) in January 2005. The MOU established a framework for the City comprehensive plan revision that focused on planning future urban development that would conform with metropolitan system plans. In June 2005, the City requested an extension of time for submitting its modified 1998 comprehensive plan. Metropolitan Council Resolution 2005-20 granted the requested extension and included numerous requirements and conditions further defining the terms for an acceptable 1998 comprehensive plan.

In September 2005, the Council issued the System Statement for Lake Elmo for the 2008 decennial comprehensive plan update. The City incorporated much of the updated information in their 1998 plan, including wastewater, forecasts through 2030, and land use. In April 2006, the Council reviewed and accepted the City's 1998 comprehensive plan (Business Item 2006-88, Review File No. 18608-1), finding that the plan satisfied the requirements of Council Resolution 2005-20 and the January 2005 MOU.

The MOU and Resolution 2005-20 detail forecasted growth for the City through 2030. The Council's System Statement for the City was revised pursuant to the Council's final action on the City's 1998 comprehensive plan, which included planning through 2030. The revisions included amending the City's geographic planning area to reflect designation of the City's rural area as Rural Residential rather than Diversified Rural; expected splits in flow between the two regional wastewater treatment plants serving the City, but still equaling the totals shown in the MOU and the City's approved 1998 comprehensive plan; and ensuring that forecasts are consistent with those shown in the MOU and the City's 1998 plan.

Because the City's Wastewater and Land Use Chapters plan through the year 2030 and were reviewed against the MOU, Resolution 2005-20, and the regional systems plans in the Council's 2006 review, these items have not been updated for the 2008 decennial review. The City submitted its Comprehensive Plan Update (Update) to the Council for review to meet the Metropolitan Land Planning Act requirements (Minn. State. 473.175) and the Council's 2005 System Statement requirements.

Rationale

1. Does the proposed Update conform to Regional Systems Plans?
2. Is the Update consistent with Metropolitan Council policies?

3. Is the Update compatible with the plans of adjacent governmental units and plans of affected special districts and school districts?

Conformance with Regional Systems Plans

- | | |
|---|-----|
| 1. Regional Parks | No |
| 2. Transportation, including Aviation | Yes |
| 3. Water Resources Management
(Wastewater Services and Surface Water Management) | Yes |

Consistent with Council Policy Requirements

- | | |
|--|-----|
| 1. Forecasts | Yes |
| 2. Housing | No |
| 3. <i>2030 Regional Development Framework</i> and Land Use | Yes |
| 4. Individual Sewage Treatment Systems (ISTS) Program | Yes |
| 5. Water Supply | Yes |

Compatible with the Plans of Adjacent Governmental Units and Plans of Affected Special Districts and School Districts

- | | |
|-----------------------------|-----|
| Compatible with other plans | Yes |
|-----------------------------|-----|

Funding

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

Known Support / Opposition

There is no known opposition.

REVIEW RECORD

Review of the City of Lake Elmo 2030 Comprehensive Plan Update

STATUTORY AUTHORITY

The Metropolitan Land Planning Act (MLPA) requires local units of government to submit comprehensive plans (plans) and plan amendments to the Council for review and comment (Minn. Stat. § 473.864, Subd. 2). The Council reviews plans to determine:

- *Conformance with metropolitan system plans,*
- *Consistency with other adopted Plans of the Council, and*
- *Compatibility with the Plans of other local jurisdictions in the Metropolitan Area.*

The Council may require a local governmental unit to modify any plan or part thereof if, upon the adoption of findings and a resolution, the Council concludes that the Update is more likely than not to have a substantial impact on or contain a substantial departure from metropolitan system plans (Minn. Stat. § 473.175, Subd. 1).

Each local government unit shall adopt a policy plan for the collection, treatment and disposal of sewage for which the local government unit is responsible, coordinated with the Metropolitan Council's plan, and may revise the same as often as it deems necessary. Each such plan shall be submitted to the Council for review and shall be subject to the approval of the Council as to those features affecting the Council's responsibilities as determined by the Council. Any such features disapproved by the Council shall be modified in accordance with the Council's recommendations (Minn. Stat. § 473.513).

CONFORMANCE WITH REGIONAL SYSTEMS

Regional Parks

Reviewer: Jan Youngquist, CD – Regional Parks System Planning, (651-602-1029)

The Update does not conform to the *2030 Regional Parks Policy Plan (RPPP)*.

The regional parks system facilities in the City include Lake Elmo Park Reserve and the proposed Washington County Central Greenway Regional Trail, which will connect Big Marine Park Reserve, Lake Elmo Park Reserve, and Cottage Grove Ravine Regional Park. The Comprehensive Parks and Recreation Plan of the Update acknowledges these regional parks system elements.

In order to conform to the RPPP, when the City updates its land use element, the future land use guiding for inholding parcels at Lake Elmo Park Reserve must be guided as park and open space, or a comparable land use designation on the 2030 Land Use Map. Inholdings are parcels that are within the boundaries of the park reserve that have not yet been acquired by Washington County, and are shown in red on the attached Figure 6.

Transportation

Roads and Transit

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

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

The City is served by elements of two metropolitan highways: I-94 along the City's southern border with the City of Woodbury, and TH 36 along its northern border with the City of Grant. Lake Elmo is within the Metropolitan Transit Taxing District. The western portion of the City is within Transit Market Area III, and the eastern portion is in Market

Area IV. Service options for Market Area III include peak-only express, small vehicle circulators, midday circulators, special needs paratransit (ADA, seniors), and ridesharing. Service options for Market Area IV include dial-a-ride, volunteer driver programs, and ridesharing.

Advisory Comments

Prior to final adoption by the City, the transit element of the Update should incorporate the following revisions:

1. The Transportation Plan references the Laverne Avenue and 34th Street/Stillwater Boulevard (TH 5) Park and Ride. This Park and Ride was closed due to low usage and should be removed from the description and from the Figure 11 map.
2. The Guardian Angels Park and Ride was expanded from 150 spaces to 425 spaces, and usage stands around 300 cars.
3. In the description of existing transit facilities, the summary should also include the Christ Episcopal Church Park and Ride next to Woodbury Lutheran Church Park and Ride. This facility has space for 90 cars and a daily usage of 25 cars.
4. The TH 36 Transit Corridor summary should remove the reference to a proposed park and ride at TH 36 and I-694. Although this site had been included in previous plans, it has been deleted in the current Park and Ride Plan.
5. The I-94 Transit Corridor summary describes the location of the planned park and ride on the south side of I-94 in Woodbury between Keats and Manning Avenue. The location of the new park and ride is proposed to be at I-94 and Manning Avenue.

Aviation

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

The Update conforms to the TPP and is consistent with Council aviation policy.

Advisory Comments

The City is advised that the Council has approved the MAC 2025 Long-term Comprehensive Plan (LTCP) preferred alternative for the Lake Elmo Airport. Once the joint airport zoning board airport zoning ordinance is approved by MnDOT, the City will need to revise the Update to reference that ordinance.

Water Resources Management

Wastewater Service

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

The Update conforms to the *2030 Water Resources Management Policy Plan (WRMPP)*. The Update summarizes the City's vision for the next 20 years or to year 2030. It includes growth forecasts that are consistent with the Council's forecasts for population, households, and employment.

The City is currently being provided with wastewater services via Metropolitan Council Environmental Services (MCES) interceptor 1-WO-500 with treatment provided at the Metropolitan Wastewater Treatment Plant in St. Paul. This service point provides service to those areas of the City served through the southwest corner of the community.

Central and southern Lake Elmo will be provided service through interceptor 806300 which is located near Lake Elmo Avenue North and I-94, and extends into Woodbury. Wastewater from this portion of the City will be conveyed to and treated at the Eagles Point Wastewater Treatment Plant in Cottage Grove. The Metropolitan Disposal System will have adequate capacity for the long-term growth needs of the City as identified in the Update. The Update projects that the City will have 5,200 sewered households and 13,000 sewered employees by 2030.

The Update provides sanitary flow projections in 5-year increments. The rationale for the projections is given in the Update and determined appropriate for planning for local services.

The City is not currently identified as a community impacted by wet weather occurrences. The Update, however, does include a description of an I/I reduction plan which includes televised inspection and cleaning of the sanitary sewer system. Homes and businesses will be checked for sump pump discharge into the sanitary sewer system prior to being issued a Certificate of Occupancy. Should excessive inflow and infiltration be a concern in the future, the City will adopt additional policies to remedy the situation.

Memorandum of Understanding & Resolution

In 2005, the Council and the City entered into a Memorandum of Understanding (MOU), which outlined the City's commitment to construct, connect, and put into service a local wastewater collection system to support forecasted growth through 2030. Later in 2005, the Council passed a resolution (Resolution 2005-20) that established for the City Residential Equivalent Connections (RECs) milestones in 5-year increments through 2030.

The Resolution granted the City a time extension for completion of its comprehensive plan (1998 decennial review), and added a provision for the Council to assess Wastewater Inefficiency Fees (WIFs) to the City for not meeting the pre-established RECs milestones. The Resolution also contained a provision that allowed the City to petition the Council for relief of WIF assessment due to a "protracted downturn in the economy or a long term recession." The City has made this petition to the Council.

Under separate concurrent action, the Council will act on a Resolution that addresses the City's petition regarding the Wastewater Inefficiency Fee, and requiring the City to enter into a binding Memorandum of Understanding consistent with the Resolution.

Tier II Comments

The Tier II Sewer Element of the Update has been reviewed against the requirements for Tier II Comprehensive Sewer Plans for developing (Developing, Rural Residential) communities. It was found to be complete and consistent with Council policies. Upon adoption of the Update by the City, the action of the Council to approve the Tier II Plan becomes effective. At that time, the City may implement its Update to alter, expand, or improve its sewage disposal system consistent with the approved Tier II Sewer Plan. A copy of the City Council Resolution adopting its Update needs to be submitted to the Metropolitan Council for its records.

Surface Water Management

Reviewer: Judy Sventek, ES – Water Resources Assessment, 651-602-1156

The Update conforms to the WRMPP for local surface water management. The City lies within the South Washington, Browns Creek, and Valley Branch watersheds. The Board of Water and Soil Resources (BWSR) approved the South Washington and Browns Creek District's latest watershed management plans in 2007. BWSR approved Valley Branch Watershed District's watershed management plan in 2005.

The City prepared a local surface water management plan (LSWMP) in March 2009 that was reviewed under separate cover. Council staff found the LSWMP to be consistent with Council policy and with the Council's WRMPP.

Advisory Comments

The City needs to send to the Council the dates that the watershed district approved the LSWMP, the date that the City adopts the final plan, and a copy of the final LSWMP.

CONSISTENCY WITH COUNCIL POLICY

Forecasts

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

The forecast-related content in the Update is consistent with the Council's forecasts and with regional policies. The Update uses the forecasts from the Systems Statement issued (revised) by the Council on January 3, 2007, and are presented in Table 1 below.

Table 1. Lake Elmo System Statement Forecasts

	2000	2010	2020	2030
Population – Unsewered	6,863	8,536	9,673	9,700
Population – Metro Sewered	0	1,416	8,730	14,300
Population – TOTAL	6,863	9,952	18,403	24,000
Households – Unsewered	2,347	3,104	3,324	3,527
Households – Metro Sewered	0	515	3,000	5,200
Households – TOTAL	2,347	3,619	6,324	8,727
Employment – Unsewered	1,682	1,250	1,250	1,000
Employment – Metro Sewered	0	1,000	5,950	13,000
Employment – TOTAL	1,682	2,250	7,200	14,000

2030 Regional Development Framework and Land Use

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

The Update is consistent with the *2030 Regional Development Framework* and consistent with Council policy for land use. As reviewed in 2006 (Business Item 2006-88, Review File No. 18608-1), the City's land use plan corresponds to the Council requirements detailed in Resolution 2005-20, the MOU, and the *2030 Regional Development Framework*.

The City is continuing to plan to accommodate growth on sanitary sewer services in the Village Area and the Area South of 10th Street North, which is located in the southern part of the City in the I-94 corridor. Both areas include a mix of residential, commercial, and public uses. Residential densities are proposed to be at least 3.5 units per acre in the Area South of 10th Street North and up to 14.5 units per acre in the Village Area. Interim densities prior to the provisions of regional wastewater services will be held at one unit per 20 acres.

Advisory Comments

The City has completed the Village Area Alternative Urban Areawide Review (AUAR), which assesses development scenarios for the Village area upon extension of sanitary sewer services. Council staff reviewed the Village Area AUAR and concluded that the AUAR was complete and accurate with respect to regional concerns (Phyllis Hanson letter, April 8, 2009).

As indicated in that and other correspondence, the City is advised that, upon selection of a development scenario for the Village Area, the Land Use section of the Update will need to be revised, and the City will need to submit a comprehensive plan amendment for that revision to the Metropolitan Council for review.

Housing

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

Because the Council has agreed that this Comprehensive Plan Update need not include a revised Land Use element until and at such time of the adoption of a redevelopment scenario for the City's Village Area, and because the City does not at present have Metropolitan Disposal System service, the Update does not need to include acknowledgement of the City's share of the region's affordable housing need between 2010 and 2020.

Advisory Comments

The City is advised that when the Land Use element of the Update is revised and submitted to the Metropolitan Council for review, given current sewer household growth forecasts for the City between 2010 and 2020, the Update will need to include the City's share of the affordable housing needs, which is 661 new units. At that time, the Update implementation section will also need to be revised to identify the programs, fiscal devices and official controls, including the guiding of land at medium and high densities for sewer development, to accommodate this need through 2020.

Community and Individual Sewage Treatment Systems (ISTS)

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

The Update is consistent with the *2030 Water Resources Management Policy Plan* (WRMPP) for ISTS. The Update indicates that there are 2,071 ISTS, 12 community wetland treatment systems, and seven "201" community septic treatment systems operating in the City. The City's "Individual and Community Wastewater Treatment System" Code Chapter 51 is consistent with MPACA Rules and with Council policy requirements.

Advisory Comments

As noted in the Implementation Chapter of the Update, the City will need to revise its ISTS Ordinance by February 2011 to incorporate recent MPCA 7080-7081 Rule revisions (consistent with Minn. Stat. 115.55).

Water Supply

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

The Update is consistent with the WRMPP for water supply planning. The Council encourages the City to continue to implement water conservation programs in an effort to promote the efficient use of water.

Resource Protection

Historic Preservation

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

The Update addresses historic preservation in the community as required by the MLPA. The Update describes existing historic resources and indicates that the City will work with the Oakdale Lake Elmo Historical Society and the Washington County Historical Society to further protect and preserve historic resources in the community.

Solar Access Protection

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

The Update appropriately addresses the protection of access to solar energy as required by the MLPA in the Resource Protection section of the plan. The Update indicates the goal of updating their ordinances and regulations to allow the integration of solar equipment, wind energy, and other similar technologies into development in the community.

Aggregate Resources Protection

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

The Update addresses aggregate resources protection as required by the Metropolitan Land Planning Act. Consistent with *Minnesota Geological Survey Information Circular 46* (Circular), the Update acknowledges that there are aggregate resource deposits present in the community. Two primary deposit areas identified in the Circular inventory are the sites of two existing mining operations in the City. The remainder of the identified resource areas have either already been mined or have been urbanized.

PLAN IMPLEMENTATION

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

The Update includes a description of and schedule for any necessary changes to:

- Capital Improvement Program Yes
- Zoning Code Yes
- Subdivision Code Yes
- ISTS Code Yes
- Housing Implementation Program Yes

The Update contains an Implementation Program, which describes the official controls and fiscal devices that the City will employ to implement the Update, with a schedule for implementation priorities and a description of special studies undertaken by the City. Detailed implementation strategies are contained in individual chapters of the Update and are reiterated in the Implementation Section.

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

The City submitted its Update to the adjacent communities, Washington County, affected school districts, affected watershed districts, and other special districts for comment on May 29, 2009. There do not appear to be any conflicts with the plans of adjacent and affected jurisdictions.

DOCUMENTS SUBMITTED FOR REVIEW

- City of Lake Elmo Comprehensive Plan Update (May 29, 2009)
- Supplemental information for community and individual treatment systems, housing and implementation (December 21, 2009)
- Jurisdictional review comments received and capital improvement program (January 19, 2010)

ATTACHMENTS

- Figure 1: Location Map with Regional Systems
- Figure 2: 2030 Regional Development Framework Planning Areas
- Figure 3: Existing and Future Land Use Tables
- Figure 4: Existing Land Use
- Figure 5: 2030 Future Land Use
- Figure 6: Inholdings at Lake Elmo Park Reserve

Figure 1. Location Map with Regional Systems
 City of Lake Elmo

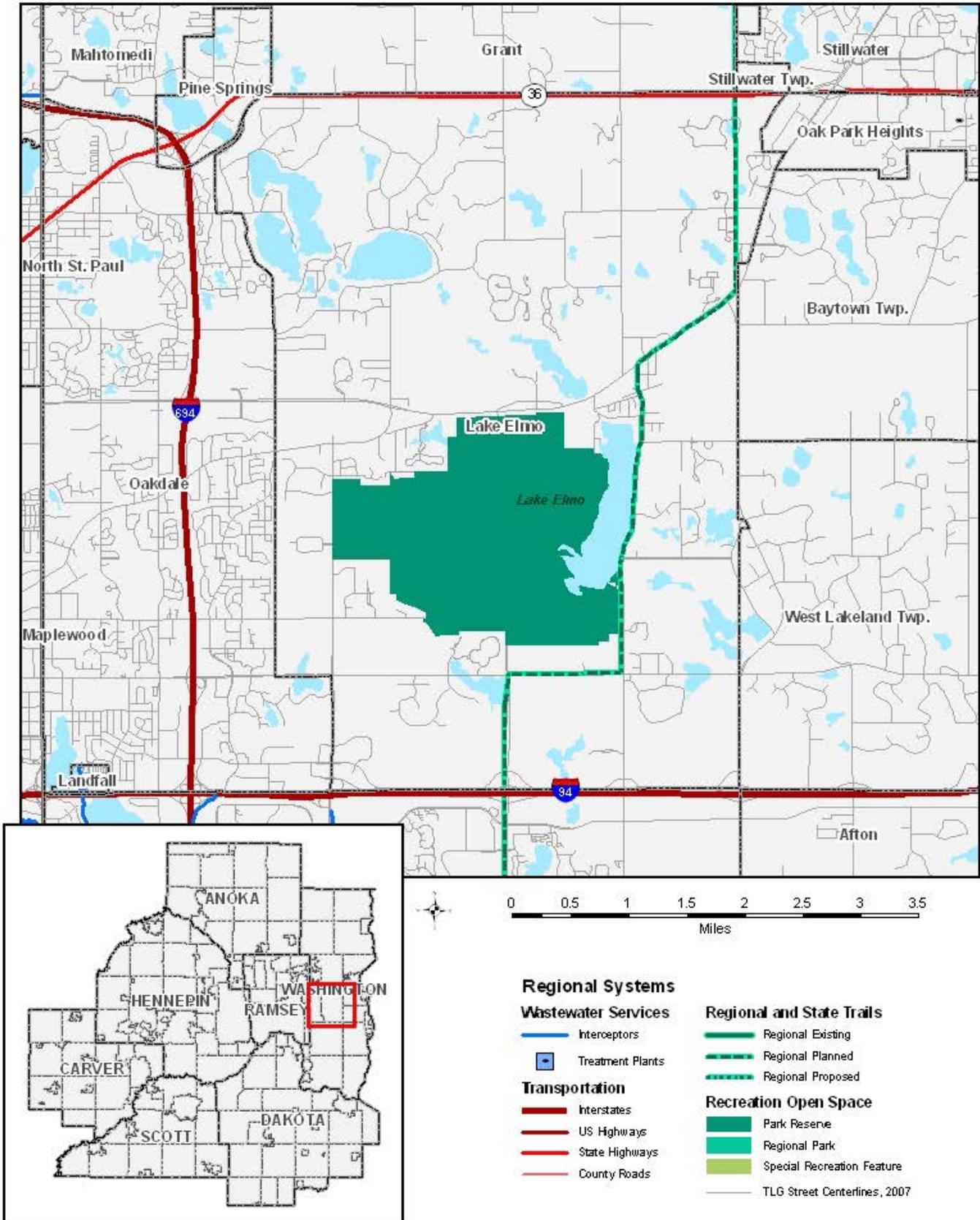
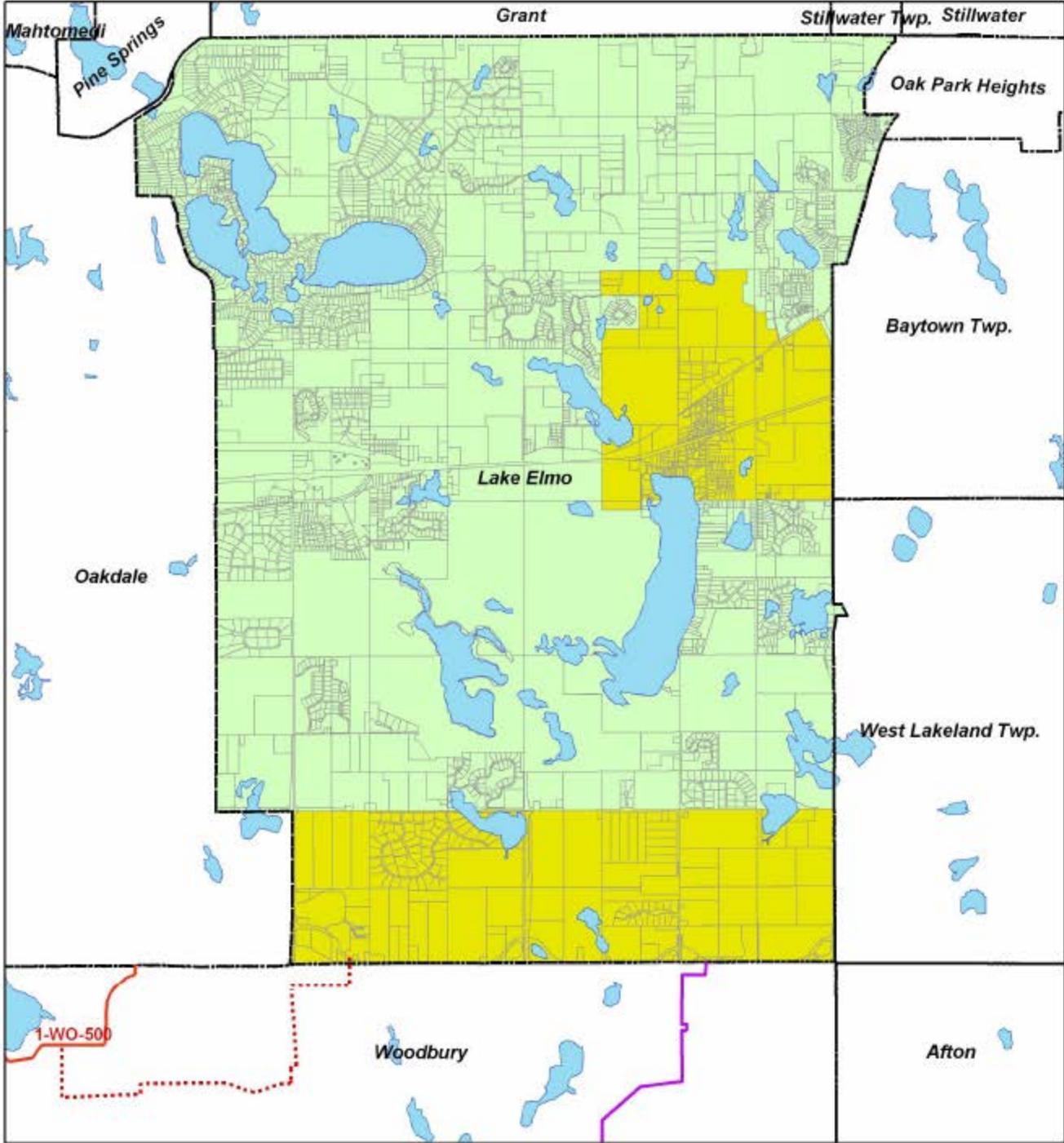


Figure 2. 2030 Regional Development Framework and Planning Areas
 City of Lake Elmo



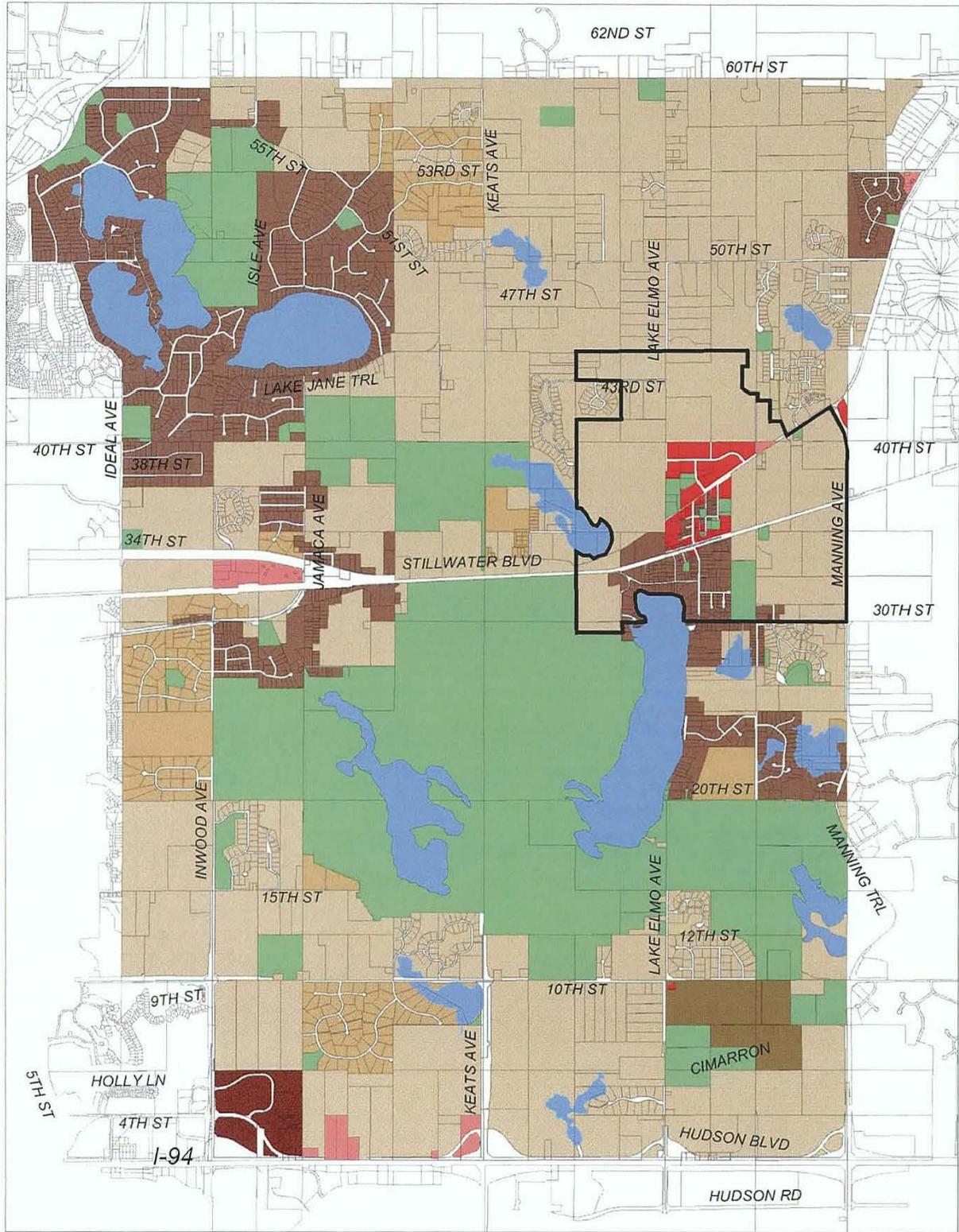
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|--------------------------|-----------------------|
| — MCES Interceptor | Framework 2030 |
| Proposed Forcemain | ■ Developing Area |
| — Proposed Gravity | ■ Rural Residential |

Figure 3. Existing and Future Land Use Tables
 City of Lake Elmo

Existing Land Uses	Land Use Descriptions	Area (Acres)
BP	Business Park	121
C	Commercial	114
LB	Limited Business	243
PF	Public/Semi-Public Facilities	3450
RAD	Rural Agricultural Density	7020
RED	Residential Estates Density	760
ROW	Right-of-Way	509
SRD	Single-family Residential Density	1709
URD	Urban Residential Density	169
WAT	Water	1155
TOTAL		15250

Future Land Uses	Total Area (Acres)	Village Area (Acres)	South of 10th (Acres)
BP	362		362
C	58	54	1
LB Future sewer	16		16
LB Non-sewer	45		
NC	1658	116	
PF	3381	23	122
RAD	5029		74
RAD2	142		
RED	691		153
ROW	545	45	161
SRD3.5	1069		1069
URD	169		169
WAT	1155		25
VR-HD	7	7	
VR-LD	77	77	
VR-MU/MD	86	86	
VR-P/S	43	43	
VR-GB	717	717	
TOTAL	15,250	1,168	2,152

Figure 4. Existing Land Use
City of Lake Elmo



EXISTING LAND USE
Lake Elmo Comprehensive Plan 2005 - 2030

Limitation of Liability
This document is not a legally recorded map or survey and is not intended to be used as one. This map is a compilation of records and information from various state, county, and city offices, and other sources.

Map Date: January 24, 2006

Created By: **TKDA**
WORKERS ARCHITECTS PLANNERS

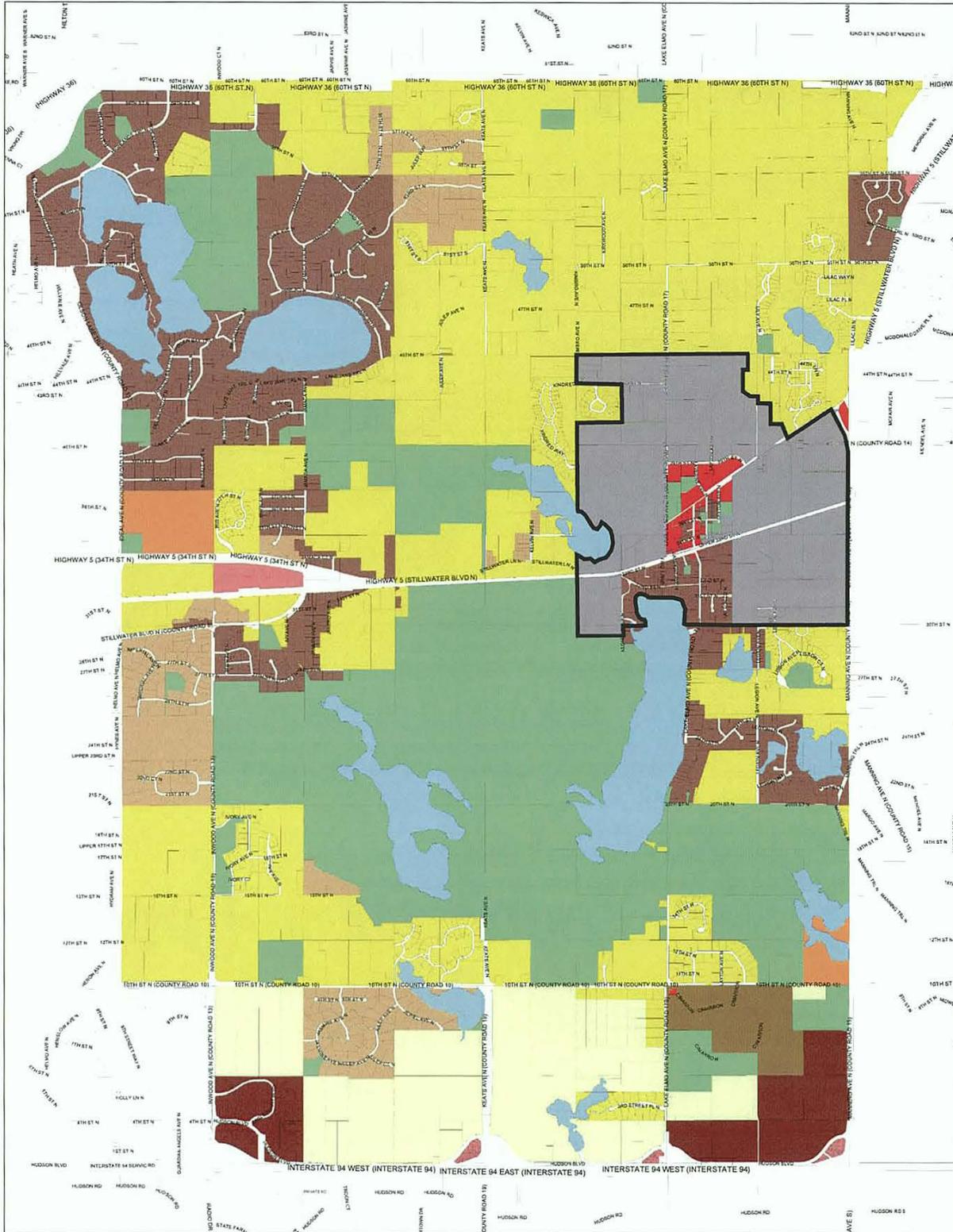


0 600 1,200 2,400 3,600
Feet

Land Use

- | | |
|--|--|
| C | RED |
| BP | URD |
| LB | SRD |
| PF | ROW |
| RAD | WAT |
| Old Village | |

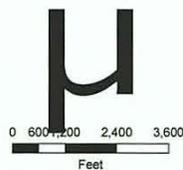
Figure 5. 2030 Future Land Use
 City of Lake Elmo



FUTURE LAND USE
 Lake Elmo Comprehensive Plan 2005 - 2030

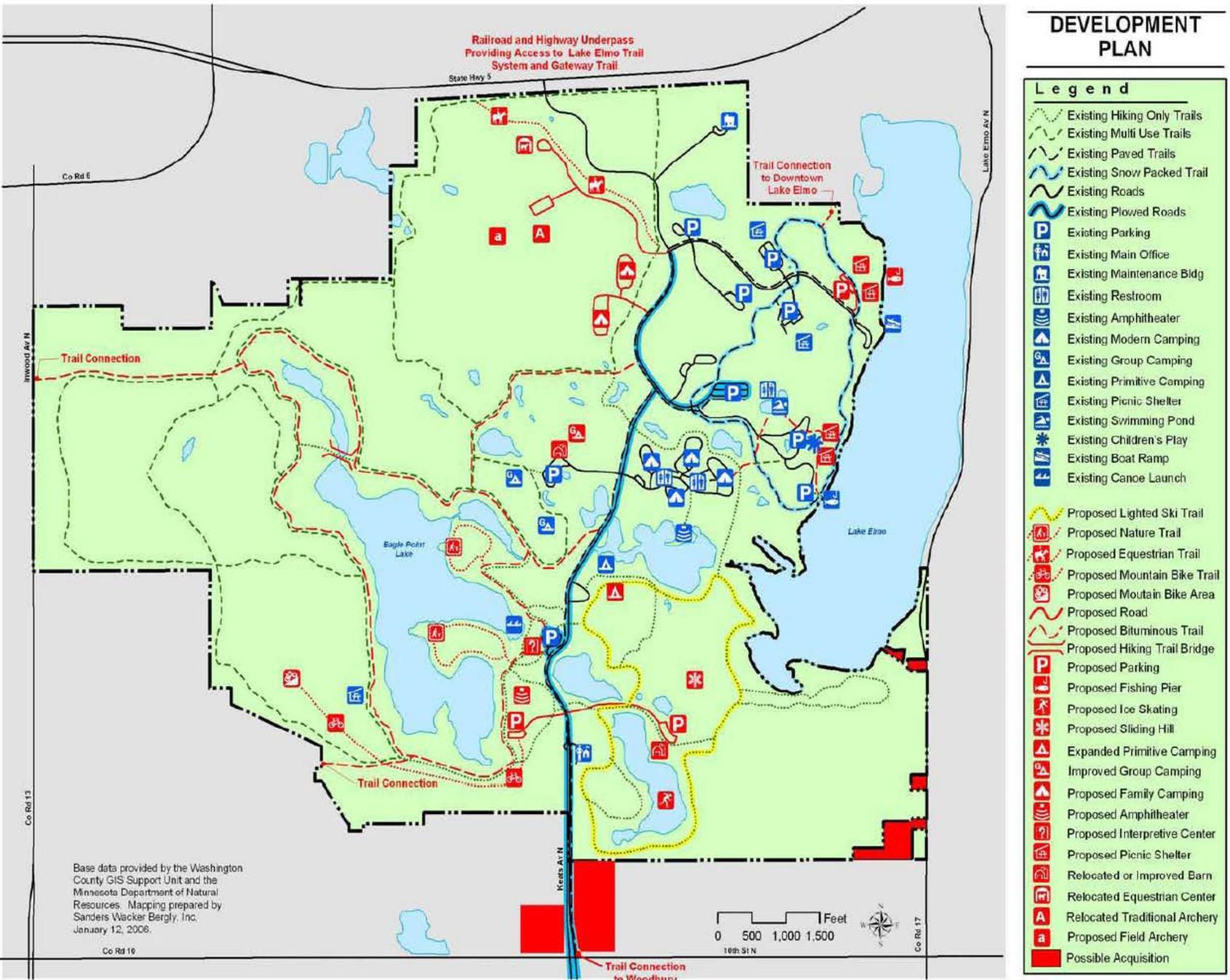
Limitation of Liability
 This document is not a legally recorded map or survey and is not intended to be used as one. This map is a compilation of records and information from various state, county, and city offices, and other sources.

Map Date: January 31, 2006
 Created By: TKDA
 ENGINEERS ARCHITECTS PLANNERS



Land Use	
C	RED
BP - 40 Employees/Acre	NC
PF	ROW
RAD - 0.45 DU/Acre	WAT
RAD - 2 DU/Acre	VR
URD - Cimarron	
SRD - 3.5 DU/Acre	
LB Future sewer - 40 Employees/Acre	
LB Non-sewer	

Figure 6. Inholdings at Lake Elmo Park Reserve
City of Lake Elmo



C Community Development Committee
For the Metropolitan Council meeting of April 22, 2009

ADVISORY INFORMATION

Date Prepared: April 10, 2009

Subject: Stillwater Township Comprehensive Plan Update
Review File No. 20431-1

Proposed Action

That the Metropolitan Council adopt the attached Advisory Comments and Review Record, and take the following actions from the Community Development Committee:

1. Authorize Stillwater Township to put its 2030 Comprehensive Plan Update into effect;
2. Advise the Township to inform the Council of the dates when the Carnelian Marine St. Croix Watershed District and Browns Creek Watershed District approve the final version of the Local Surface Water Management Plan, the date that the Township adopts the plan, and to send a final copy of the plan.

Summary of Committee Discussion / Questions

Senior Planner Lisa Barajas presented the report and the proposed actions to the Community Development Committee. The Committee did not have any questions or discussion regarding the Update.

The Committee unanimously adopted the proposed actions.

C Community Development Committee

Meeting date: April 6, 2009

ADVISORY INFORMATION	
Date:	March 3, 2009
Subject:	Stillwater Township Comprehensive Plan Update Review File No. 20431-1
District(s), Member(s):	District 12, Councilmember Sherry Broecker, 651-486-0816
Policy/Legal Reference:	Minnesota Statute Section 473.175
Staff Prepared/Presented:	Lisa Barajas, Principal Reviewer, 651-602-1895 Phyllis Hanson, Local Planning Assistance Manager, 651-602-1566
Division/Department:	Community Development / Planning & Growth Management

Proposed Action

That the Metropolitan Council adopt the attached Advisory Comments and Review Record, and take the following actions from the Community Development Committee:

1. Authorize Stillwater Township to put its 2030 Comprehensive Plan Update into effect;
2. Advise the Township to inform the Council of the dates when the Carnelian Marine St. Croix Watershed District and Browns Creek Watershed District approve the final version of the Local Surface Water Management Plan, the date that the Township adopts the plan, and to send a final copy of the plan.

ADVISORY COMMENTS

Stillwater Township 2030 Comprehensive Plan Update Review File No. 20431-1 - Council Business Item No. 2009-51

The following Advisory Comments are part of the Council action authorizing the Township to implement its 2030 Comprehensive Plan Update (“Update”):

Community Development Committee

1. The Council-adopted *Local Planning Handbook* states that the Township must take the following steps:
 - (a) Adopt the Update in final form after considering the Council’s review recommendations; and
 - (b) Submit one electronic copy and one hard copy of the Update to the Council. The electronic copy must be organized as one unified document.

A copy of the Township resolution as evidence of final approval of the Update should be submitted to the Council.

2. The Council’s *Handbook* also states that local governments must formally adopt their comprehensive plans within nine months after the Council’s final action. If the Council has recommended changes, local governments should incorporate those recommended changes into the plan or respond to the Council before “final approval” of the comprehensive plan by the governing body of the local governmental unit. (Minn. Stat. § 473.858, subd. 3).
3. Local governmental units must adopt official controls as described in their adopted comprehensive plans and must submit copies of the official controls to the Council within 30 days after official controls are adopted. (Minn. Stat. § 473.865, subd. 1).
4. Local governmental units cannot adopt any official controls or fiscal devices that conflict with their comprehensive plans or which permit activities in conflict with the Council’s metropolitan system plans. (Minn. Stat. §§ 473.864, subd. 2; 473.865, subd. 2). If official controls conflict with comprehensive plans, the official controls must be amended within nine months following amendments to comprehensive plans. (Minn. Stat. § 473.865, subd. 3).

Background

Stillwater Township (Township) is located in Washington County and is bounded by May Township to the north, the City of Stillwater and the City of Oak Park Heights to the south, the City of Lake Elmo to the southwest, and the City of Grant to the west. Polk County, Wisconsin borders the Township to the east with the St. Croix River forming the Township's eastern boundary.

The *2030 Regional Development Framework* (RDF) identifies the Township as a Diversified Rural geographic planning area (see Figure 2).

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

Rationale – Standard of Review & Findings

1. Does the proposed Plan conform to Regional Systems Plans?
2. Is the Plan consistent with Metropolitan Council policies?
3. Is the Plan compatible with plans of adjacent governmental units and plans of affected special district and school districts?

Conformance with Regional Systems Plans:

- | | |
|---|-----|
| 1. Regional Parks | Yes |
| 2. Transportation including Aviation | Yes |
| 3. Water Resources Management
(Wastewater Services and Surface Water Management) | Yes |

Consistent with Council Policy Requirements:

- | | |
|--|-----|
| 1. Forecasts | Yes |
| 2. Housing | Yes |
| 3. <i>2030 Regional Development Framework</i> and Land Use | Yes |
| 4. Individual Sewage Treatment Systems (ISTS) Program | Yes |
| 5. Water Supply | N/A |

Compatible with Plans of Adjacent Governmental Units and Plans of Affected Special Districts and School Districts

- | | |
|--------------------------------|-----|
| 1. Compatible with other plans | Yes |
|--------------------------------|-----|

Funding

The Council awarded the Township with a \$15,000 planning grant to facilitate the preparation of the Update. Fifty percent of the grant has been paid to date. The remaining disbursement awaits Council action on the Update and City adoption of the Plan following Council action.

Known Support / Opposition

There is no known opposition.

REVIEW RECORD

Review of the Stillwater Township 2030 Comprehensive Plan Update

STATUTORY AUTHORITY

The Metropolitan Land Planning Act (MLPA) requires local units of government to submit comprehensive plans (plans) and plan amendments to the Council for review and comment (Minn. Stat. § 473.864, Subd. 2). The Council reviews plans to determine:

- *Conformance with metropolitan system plans,*
- *Consistency with other adopted Plans of the Council, and*
- *Compatibility with the Plans of other local jurisdictions in the Metropolitan Area.*

The Council may require a local governmental unit to modify any plan or part thereof if, upon the adoption of findings and a resolution, the Council concludes that the Plan is more likely than not to have a substantial impact on or contain a substantial departure from metropolitan system plans (Minn. Stat. § 473.175, Subd. 1).

Each local government unit shall adopt a policy plan for the collection, treatment and disposal of sewage for which the local government unit is responsible, coordinated with the Metropolitan Council's plan, and may revise the same as often as it deems necessary. Each such plan shall be submitted to the Council for review and shall be subject to the approval of the Council as to those features affecting the Council's responsibilities as determined by the Council. Any such features disapproved by the Council shall be modified in accordance with the Council's recommendations (Minn. Stat. § 473.513).

CONFORMANCE WITH REGIONAL SYSTEMS

Regional Parks

Reviewer: Jan Youngquist, CD – Regional Parks System Planning, (651-602-1029)

The Update conforms to the *2030 Regional Parks Policy Plan* as it acknowledges Pine Point Regional Park, the planned Lake Links Regional Trail, and the proposed Washington County Greenway Regional Trail.

Transportation

Roads and Transit

Reviewer: Carol Becker, MTS – Systems Planning, (651-602-1756)

The Update conforms to the *2030 Transportation Policy Plan* as it addresses all the applicable transportation and transit requirements. The Update includes an extensive analysis of existing and future transportation deficiencies and recommends improvements to the minor arterial, major and minor collector, and local roadway networks, including needs for Highway 96, Highway 95, and Manning Avenue. The Township lies within Transit Market Area IV with no regular route transit service. Dial-a-ride service is provided by Human Services Incorporated.

Table III-2 (page 67) gives the Township's forecasted population, household, and employment by TAZ. Footnote 3 listed under that table notes that the difference between the total Council allocation and the RDF's totals results from the exclusion of the Orderly Annexation Area from the TAZ analysis. Although this should have been part of the TAZ allocation, Council staff recognizes that the difference is insignificant relative to the peak-hour travel demand that would result from its inclusion in the travel forecast models.

Aviation

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

The Update conforms to the aviation system plan and is consistent with Council policy.

Water Resources Management

Wastewater Service

Reviewer: Roger Janzig, ES – Engineering Services, (651-602-1119)

The Update is in conformance with the 2030 Water Resources Management Policy Plan. The Metropolitan Council does not have plans to provide wastewater services to the community within the 2030 planning period.

Because the Township lies within the Long-Term Wastewater Treatment Service Area, as defined in the 2030 Water Resources Policy Plan, the Council is planning on conducting a study in 2011-12 to define a post-2030 service area for the St. Croix Valley Wastewater Treatment Plant. In previous communications, the Township has discussed this study with Council staff and has indicated their willingness to participate in this study. Upon completion of the study, the Township’s Comprehensive Plan Update may need to be amended to reflect the study’s outcomes.

Surface Water Management

Reviewer: Judy Sventek, ES – Water Resources Assessment, 651-602-1156

The majority of the Township lies within the Carnelian Marine St. Croix and Browns Creek watersheds. A small portion of the Township lies within the Middle St. Croix Watershed. However, that portion of the Township is planned for annexation by the City of Stillwater by 2015 and was included in the City’s local water plan. The Board of Water and Soil Resources approved Carnelian Marine St. Croix Watershed District’s latest watershed plan in 2000 and approved the Browns Creek Watershed District’s watershed plan in 2007.

The Update includes the Township’s Surface Water Management Plan (SWMP), which had been reviewed under separate cover. With the revisions provided in the Update, the SWMP fulfills the requirements for local water management plans and is consistent with the Council’s 2030 Water Resources Management Policy Plan.

The Township needs to send to the Council the dates that the watershed organizations approve the SWMP as well as the final SWMP if changes are made to the version provided in the Update.

CONSISTENCY WITH COUNCIL POLICY

Forecasts

Reviewer: Dennis Farmer, CD - Research, (651-602-1552)

The forecast-related material in the Update is consistent with Council forecasts.

Table 1: Met Council Forecasts Compared to the City’s Update Forecasts

	2000		2010		2020		2030	
	Met Council	Twp						
Population	2,553	2,553	2,690	2,690	2,940	2,940	3,350	3,350
Households	833	833	960	960	1,100	1,100	1,260	1,260
Employment	112	112	120	120	120	120	120	120

2030 Regional Development Framework and Land Use

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

The Update is consistent with the Council’s policies for land use identified in the RDF. The Township is designated as a Diversified Rural community and, as such, is expected to accommodate forecasted growth without requiring the provision of regional urban services. In addition, these communities are expected to

protect natural resources, prevent scattered rural residential development, and adopt conservation subdivision, cluster, or other environmental protection provisions in their ordinances.

The Update has included policies regarding the protection of natural resources in the community and a description of the different land development techniques to preserve open space and the community's rural character.

Southern portions of the Township adjacent to the City of Stillwater are subject to an Orderly Annexation Agreement with the City of Stillwater. These areas are guided as "transition Zone" in the Update, which holds density at one unit per 10 acres, or up to 4 units per 10 acres if the land can be shown to be capable of re-subdivision to accommodate future sewer and water service when they become available. The Township needs to submit its cluster and subdivision ordinances for the Council's information in the Diversified Rural area and for the orderly annexation area.

The Update also contains an analysis of the community's ability to accommodate forecasted growth. Table II-2 in the Update shows unsubdivided land within each future land use category and how much land is needed to accommodate the forecasted household growth. Between 2010 and 2030, the Township will be able to accommodate the 300 additional households, assuming 10 acres per house, and have 784 acres of unsubdivided land remaining.

Portions of the Township have been identified as Long-Term Wastewater Service Areas in the Council's *2030 Water Resources Management Plan*. The Update has guided these areas as "Agricultural" with a density of one unit per 10 acres. As discussed under the Wastewater Service section, the Council will be conducting a service feasibility study for the St. Croix Valley Wastewater Treatment Plant.

Housing

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

The housing element fulfills the affordable housing planning requirements of the Metropolitan Land Planning Act. As a community without regional sanitary sewer, the Township does not have a numerical share of the regional need for affordable housing. The Update provides an assessment of the housing stock and provides goals and policies that state that the Township will work to provide a mix of housing types and opportunities, to improve the housing stock through better maintenance and code enforcement, and will continue to partner with the Washington County HRA to conduct programs and pool resources for affordable housing strategies in the area.

Community and Individual Sewage Treatment Systems (ISTS)

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

The Update is consistent with Council policy relative to ISTS. The Update indicates that there are 850 ISTS operating in the Township, which is completely served by ISTS. Washington County manages all aspects of ISTS installation, inspection, and maintenance for the community. County ISTS Ordinance 128 is consistent with MPCA Rules and with Council policy requirements.

Water Supply

Reviewer: Chris Elvrum, ES – Water Supply Planning, (651-602-1066)

The Update is consistent with the *2030 Water Resources Management Policy Plan*. The City does not operate a municipal water supply system and is not required to prepare a water supply plan.

Resource Protection

Historic Preservation

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

The Update contains policies and information regarding historic preservation as required by the MLPA. The Update identifies historic and cultural resources within the community and details goals and policies for protecting those resources and for partnering with historic and cultural organizations.

Solar Access Protection

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

The Update contains a section on Solar Access Protection as required by the MLPA, including goals and policies for new developments and alternative energy sources.

Aggregate Resources Protection

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

The Update identifies the presence of viable aggregate resources in the Township consistent with *Minnesota Geological Survey Information Circular 46*. A map of the extent and location of the resources is contained in the Update. Goals and Policies are in place calling for the protection and management of aggregate resources for extraction prior to non-agricultural development of resource areas, as well as for protection of natural resources and functions both during and after extraction activity. The Implementation section of the Update identifies the intent to adopt regulations to minimize nuisances from aggregate extraction that affect developed areas and that ensure restoration of extraction sites to protect their natural resources and natural functions within 9 months of plan adoption.

PLAN IMPLEMENTATION

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

The Update includes a description of and schedule for any necessary changes to:

- Capital Improvement Program Yes
- Zoning Code Yes
- Subdivision Code Yes
- ISTS Code Yes
- Housing Implementation Program Yes

The Update contains a implementation chapter, which describes changes to the Township’s ordinances that are required to implement the Update. The implementation chapter also describes the community’s zoning, code and capital improvement program. The Township is reminded that it must submit copies to the Council of any changes made to any of the above noted documents within 30 days of their adoption.

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

The Township submitted its Update to the adjacent communities, affected school districts, Washington County, affected watershed districts, and other special districts for comment on June 27, 2008. The Township received responses from most of the communities and special districts, who generally made minor comments or no comment at all.

DOCUMENTS SUBMITTED FOR REVIEW

- Stillwater Township 2008 Comprehensive Plan Update, dated December 2008.
- Copies of comments received from adjacent communities and affected jurisdictions.

ATTACHMENTS

- Figure 1: Location Map with Regional Systems
- Figure 2: 2030 Regional Development Framework Planning Areas
- Figure 3: Existing Land Use (2005)
- Figure 4: 2030 Land Use Plan
- Figure 5: Existing and Planned Land Use Tables

FIGURE 1: LOCATION MAP WITH REGIONAL SYSTEMS
Stillwater Township

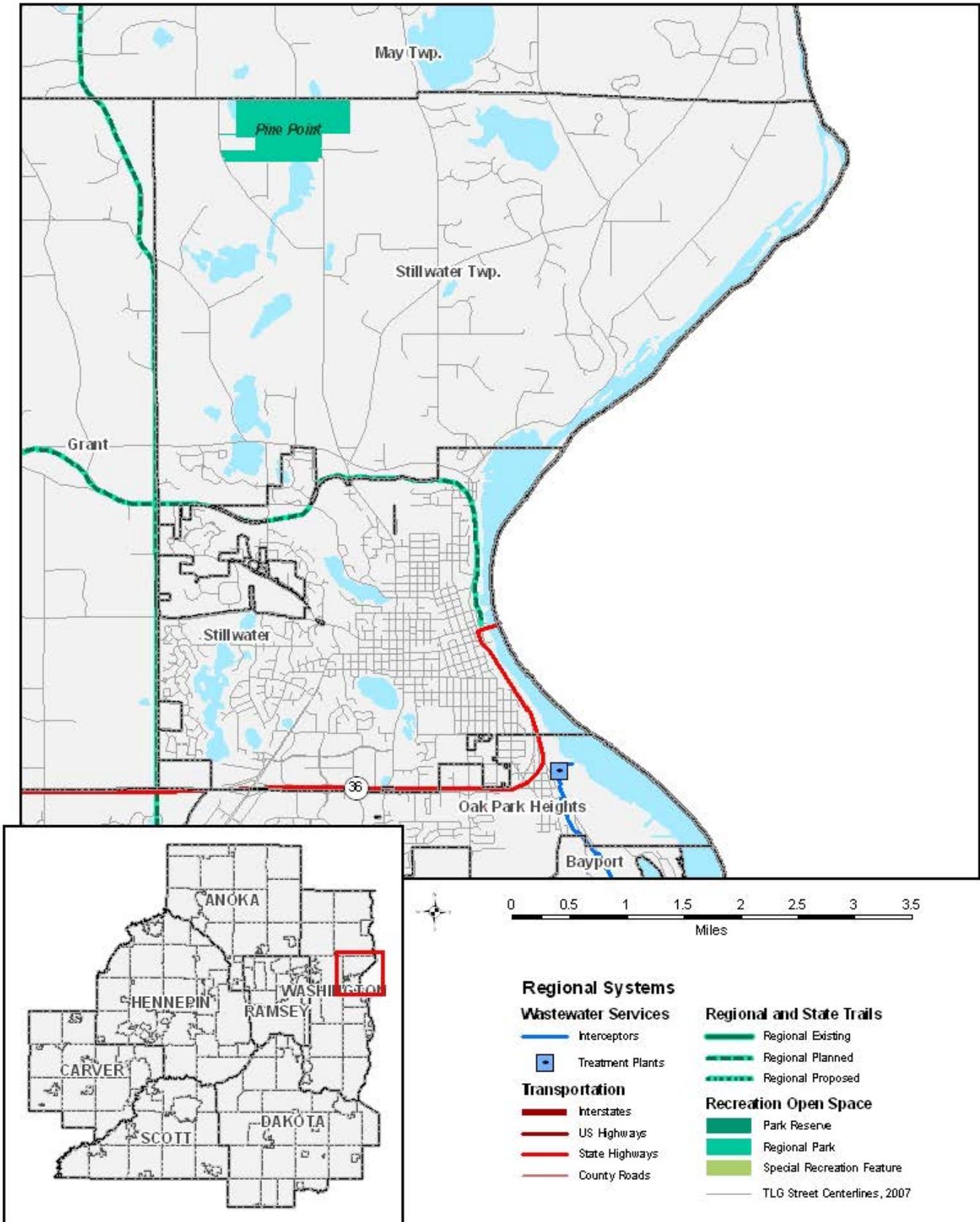


FIGURE 2: 2030 REGIONAL DEVELOPMENT FRAMEWORK PLANNING AREAS
Stillwater Township

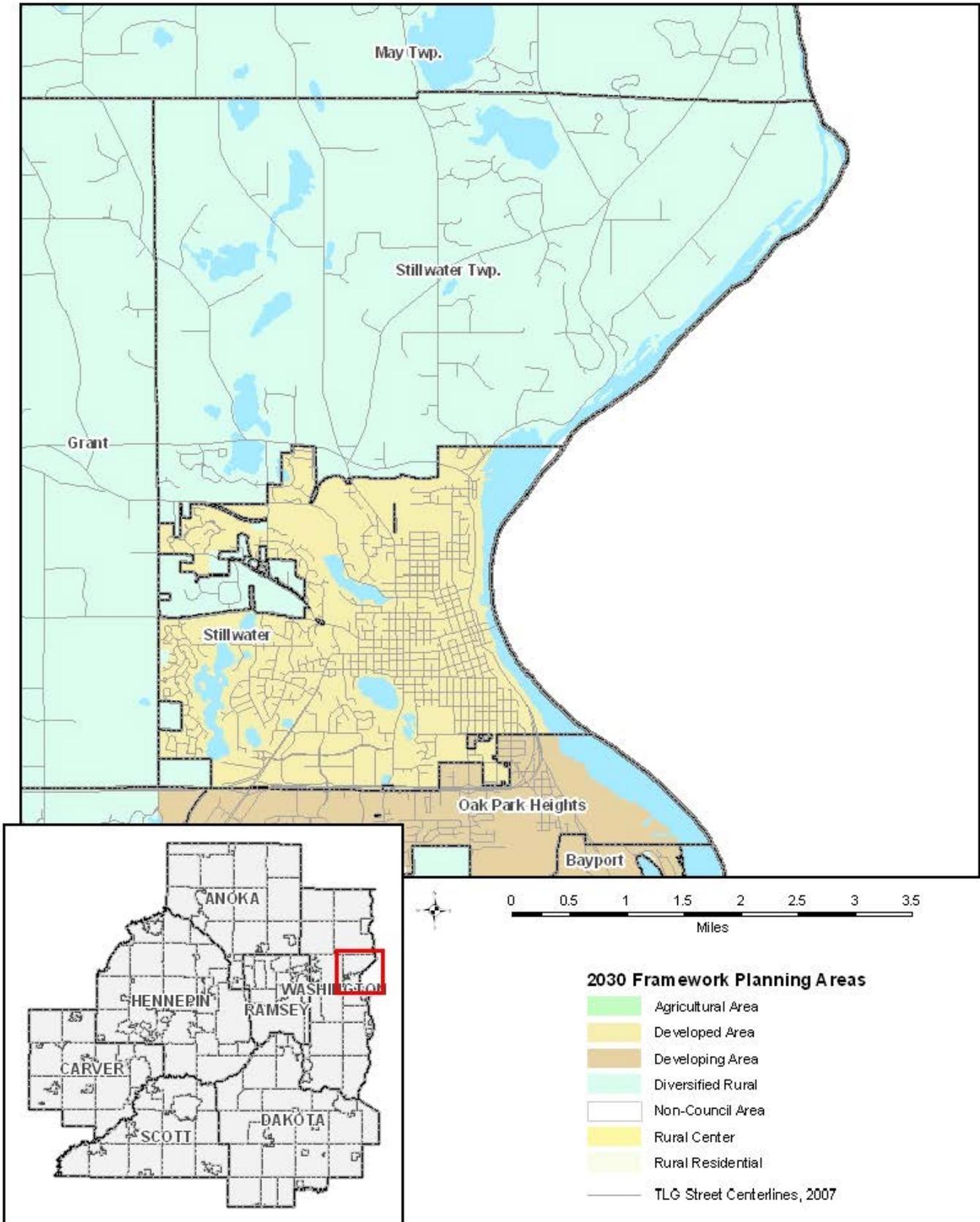


FIGURE 3: EXISTING LAND USE (2005)
Stillwater Township

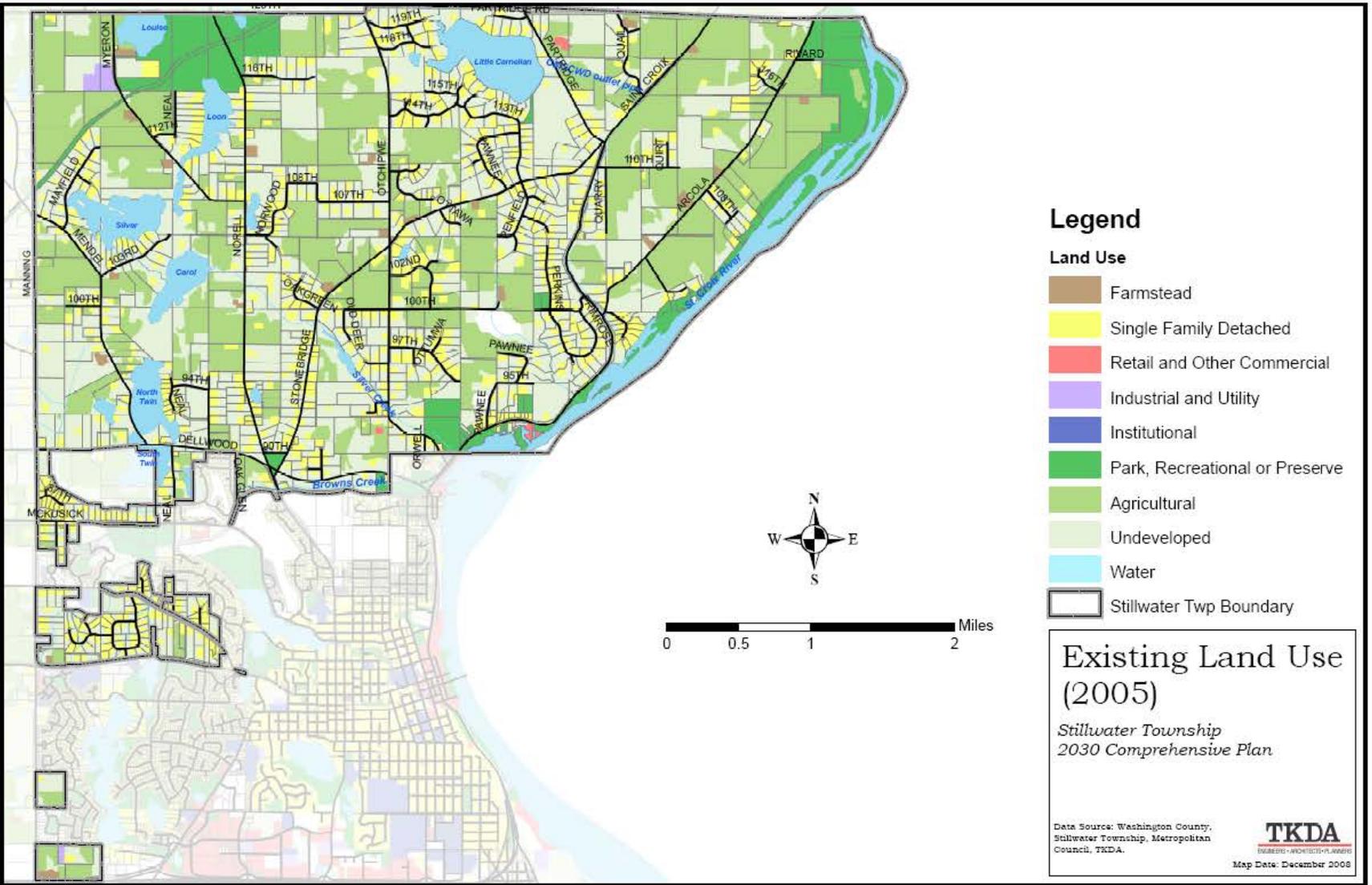


FIGURE 4: 2030 LAND USE PLAN
Stillwater Township

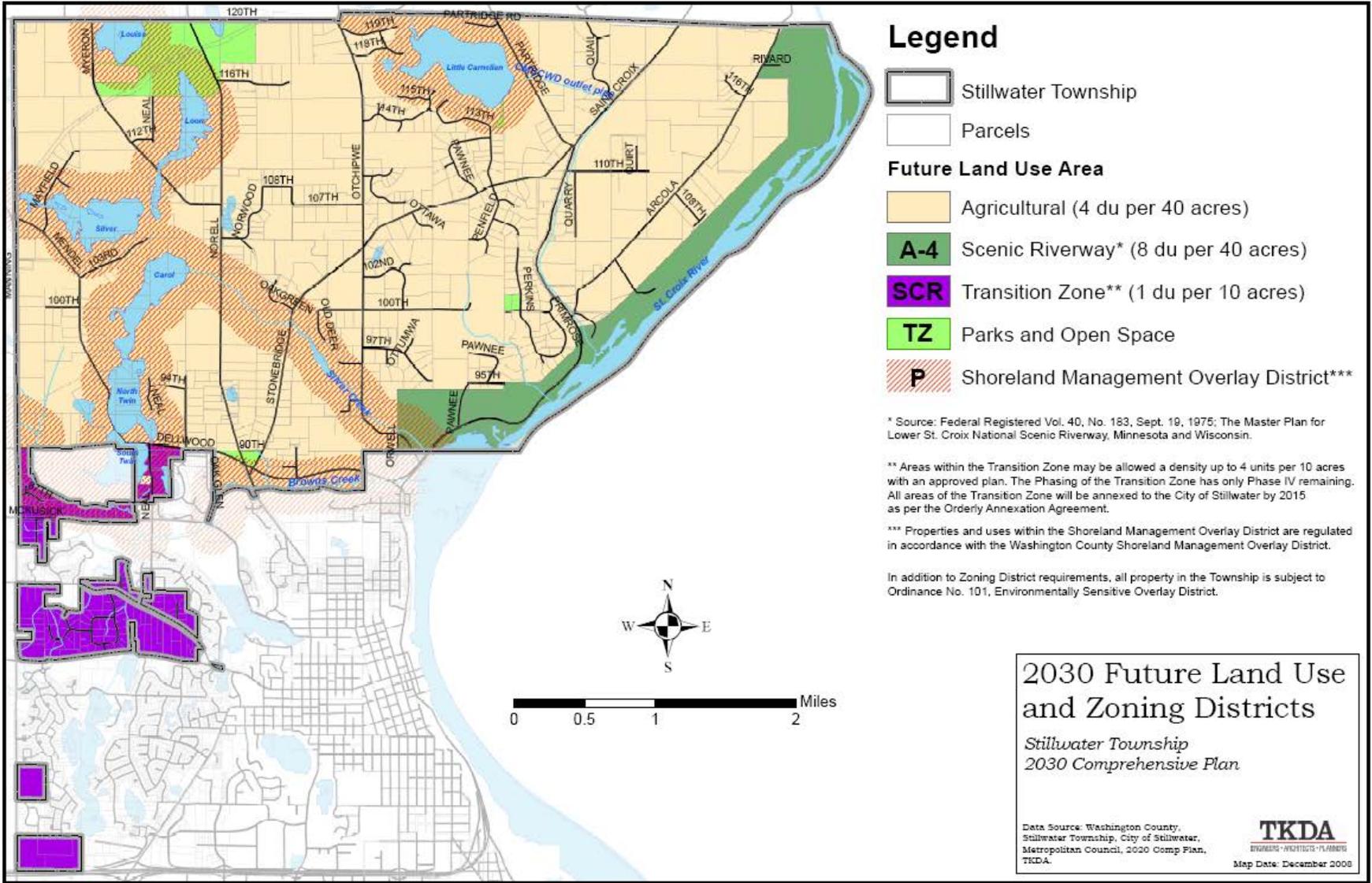


FIGURE 5: EXISTING AND PLANNED LAND USE TABLES
Stillwater Township

**Table II-1:
Existing Land Use**

Land Use Categories	1997 Total (in acres)	2005 Total (in acres)	Change 1997-2005	
			Absolute (in acres)	Relative (percentage)
Residential Total	1,465	1,642	177	+12%
Single Family Residential	1,336	1,569	233	+17%
Farmsteads	129	73	-56	-43%
Commercial	7	12	5	+73%
Industrial Total	25	63	38	+151%
Industrial & Utility	0	28	28	N/A
Extractive	25	35	10	+41%
Institutional	12	2	-10	-84%
Parks, Recreation & Preserves	400	700	300	+75%
Major Vehicular Rights-of-Way	7	7	0	+4%
Agriculture & Undeveloped Total	8,533	7,682	-851	-10%
Agriculture	N/A	3,285	N/A	N/A
Undeveloped Land	N/A	4,397	N/A	N/A
Agricultural & Vacant	8,533	N/A	N/A	N/A
Open Water	874	931	57	+7%
Total	11,323	11,040	-283	-3%

Metropolitan Council, 2005 land use data

**Table II-2:
Future Land Use Acreages**

	A-4	TZ	SCR	P	Total
Existing Acreage	9,012	716	1,071	325	10,799
Developed Acreage (2005)	4,388	610	813		5,810
Unsubdivided Land	4,299	107	348		4,754
Additional Acreage Developed					
2005 - 2010 (97 additional households)					970
2010 - 2020 (150 additional households)					1,500
2020 - 2030 (150 additional households)					1,500
Remaining Unsubdivided Land					784

NOTES: 1) Acreages include waterbodies. 2) Developed Acreage is area of parcels less than 20 acres. 3) Unsubdivided Land is area of parcels 20 acres or greater. 4) Additional Acreage Developed is acreage needed to accommodate household forecasts, assuming 10 acres per household. 5) Park land is not anticipated to be used for purposes other than parks/open space and thus Parks parcels larger than 20 acres are not included in Unsubdivided land categories.

J Community Development Committee Environment Committee

For the Metropolitan Council meeting of May 26, 2010

ADVISORY INFORMATION

Subject: City of Stillwater 2030 Comprehensive Plan Update
Review File No. 20631-1
Tier II Comprehensive Sewer Plan

Proposed Action

That the Metropolitan Council adopt the Advisory Comment and Review Record and take the following actions:

Recommendations of the Community Development Committee:

1. Authorize the City of Stillwater to put its 2030 Comprehensive Plan Update into effect.
2. Adopt the revised forecasts for the City of Stillwater as detailed in Table 2 of the Review Record, and revise the City's share of the region's affordable housing need from 142 to 233 units.
3. Advise the City to:
 - a. Send to the Council the dates that the watershed management organizations approved the City of Stillwater's local surface water management plan.
 - b. Participate in the Council's activities to monitor redevelopment in Developed communities.
 - c. Implement the advisory comments in the Review Record for Forecasts and Housing.

Recommendation of the Environment Committee:

Approve the City of Stillwater's Tier II Comprehensive Sewer Plan

Summary of Committee Discussion / Questions

Community Development Committee

Senior Planner Lisa Barajas presented the staff report and proposed actions to the Community Development Committee. The Committee did not have any questions or discussion. The Committee moved, seconded, and passed the proposed recommendations unanimously.

Environment Committee

In response to a question from Council Member Leppik, staff explained that "external chimney seals" are water proof barriers that are applied to the exterior portion of maintenance structures, near the casting and that these barriers prohibit the source of Infiltration/Inflow (I/I) through these typically vulnerable areas of the structure. Motion to approve the City of Stillwater's Tier II Comprehensive Sewer Plan was made, seconded, and passed unanimously

C Community Development Committee
Meeting date: May 17, 2010

E Environment Committee
Meeting date: May 11, 2010

ADVISORY INFORMATION

Subject:	City of Stillwater 2030 Comprehensive Plan Update Review File No. 20631-1 Tier II Comprehensive Sewer Plan
District(s), Member(s):	District 12, Council Member Sherry Broecker
Policy/Legal Reference:	Minnesota Statutes Section 473.175
Staff Prepared/Presented:	LisaBeth Barajas, Principal Reviewer, 651-602-1895 Phyllis Hanson, Local Planning Assistance Manager, 651-602-1566 Kyle Colvin, Engineering Services Asst. Manager, 651-602-1151
Division/Department:	Community Development / Planning & Growth Management Environmental Services / Engineering Services

Proposed Action

That the Metropolitan Council adopt the Advisory Comment and Review Record and take the following actions:

Recommendations of the Community Development Committee:

1. Authorize the City of Stillwater to put its 2030 Comprehensive Plan Update into effect.
2. Adopt the revised forecasts for the City of Stillwater as detailed in Table 2 of the Review Record, and revise the City's share of the region's affordable housing need from 142 to 233 units.
3. Advise the City to:
 - a. Send to the Council the dates that the watershed management organizations approved the City of Stillwater's local surface water management plan.
 - b. Participate in the Council's activities to monitor redevelopment in Developed communities.
 - c. Implement the advisory comments in the Review Record for Forecasts and Housing.

Recommendations of the Environment Committee:

Approve the City of Stillwater's Tier II Comprehensive Sewer Plan

ADVISORY COMMENTS

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

Review File No. 20631-1 – Council Business Item No. 2010-178

The following Advisory Comments are part of the Council action authorizing the City to implement its 2030 Comprehensive Plan Update (“Update”) and approving the City’s Tier II Comprehensive Sewer Plan:

Community Development Committee

1. The Council-adopted *Local Planning Handbook* states that the City must take the following steps:
 - a. Adopt the Update in final form after considering the Council’s review recommendations; and
 - b. Submit one electronic copy and one hard copy of the Update to the Council. The electronic copy must be organized as one unified document.
 - c. Submit to the Council a copy of the City Council resolution evidencing final approval of the Update.
2. The Council’s *Handbook* also states that local governments must formally adopt their comprehensive plans within nine months after the Council’s final action. If the Council has recommended changes, local governments should incorporate those recommended changes into the plan or respond to the Council before “final approval” of the comprehensive plan by the governing body of the local governmental unit. (Minn. Stat. § 473.858, subd. 3)
3. Local governmental units must adopt official controls as described in their adopted comprehensive plans and must submit copies of the official controls to the Council within 30 days after official controls are adopted. (Minn. Stat. § 473.865, subd. 1)
4. Local governmental units cannot adopt any official controls or fiscal devices that conflict with their comprehensive plans or which permit activities in conflict with the Council’s metropolitan system plans (Minn. Stat. §§ 473.864, subd. 2; 473.865, subd. 2). If official controls conflict with comprehensive plans, the official controls must be amended within nine months following amendments to comprehensive plans (Minn. Stat. § 473.865, subd. 3).

Environment Committee

1. The Council-approved Tier II Comprehensive Sewer Plan becomes effective only after the Update also receives final approval from the City’s governing body. After the Update receives final approval from the City and the Tier II Sewer Plan becomes effective, the City may implement its Update to alter, expand, or improve its sewage disposal system consistent with the Council-approved Tier II Sewer Plan.
2. A copy of the City Council resolution adopting its Update, including the Tier II Sewer Plan, must be submitted to the Council.

Background

The City of Stillwater is located in east central Washington County on the shores of the St. Croix River. The City is bordered by Stillwater Township to the north, the St. Croix River and Wisconsin to the east, the City of Oak Park Heights to the south, the City of Lake Elmo to the southeast, and the City of Grant to the west.

The *2030 Regional Development Framework* (RDF) identifies the City as a Developed planning area (see Figure 2). The City submitted its City of Stillwater Comprehensive Plan (Update) to the Council for review to meet the Metropolitan Land Planning Act requirements (Minn. Stat. 473.175) and the Council's 2005 System Statement requirements.

Rationale

1. Does the proposed Update conform to Regional Systems Plans?
2. Is the Update consistent with Metropolitan Council policies?
3. Is the Update compatible with the plans of adjacent governmental units and plans of affected special districts and school districts?

Conformance with Regional Systems Plans

- | | |
|---|-----|
| 1. Regional Parks | Yes |
| 2. Transportation, including Aviation | Yes |
| 3. Water Resources Management
(Wastewater Services and Surface Water Management) | Yes |

Consistent with Council Policy Requirements

- | | |
|--|-----|
| 1. Forecasts | Yes |
| 2. Housing | Yes |
| 3. <i>2030 Regional Development Framework</i> and Land Use | Yes |
| 4. Individual Sewage Treatment Systems (ISTS) Program | Yes |
| 5. Water Supply | Yes |

Compatible with the Plans of Adjacent Governmental Units and Plans of Affected Special Districts and School Districts

- | | |
|-----------------------------|-----|
| Compatible with other plans | Yes |
|-----------------------------|-----|

Funding

None.

Known Support / Opposition

There is no known opposition.

REVIEW RECORD

Review of the City of Stillwater 2030 Comprehensive Plan Update

STATUTORY AUTHORITY

The Metropolitan Land Planning Act (MLPA) requires local units of government to submit comprehensive plans (plans) and plan amendments to the Council for review and comment (Minn. Stat. § 473.864, Subd. 2). The Council reviews plans to determine:

- *Conformance with metropolitan system plans,*
- *Consistency with other adopted Plans of the Council, and*
- *Compatibility with the Plans of other local jurisdictions in the Metropolitan Area.*

The Council may require a local governmental unit to modify any plan or part thereof if, upon the adoption of findings and a resolution, the Council concludes that the Update is more likely than not to have a substantial impact on or contain a substantial departure from metropolitan system plans (Minn. Stat. § 473.175, Subd. 1).

Each local government unit shall adopt a policy plan for the collection, treatment and disposal of sewage for which the local government unit is responsible, coordinated with the Metropolitan Council's plan, and may revise the same as often as it deems necessary. Each such plan shall be submitted to the Council for review and shall be subject to the approval of the Council as to those features affecting the Council's responsibilities as determined by the Council. Any such features disapproved by the Council shall be modified in accordance with the Council's recommendations (Minn. Stat. § 473.513).

CONFORMANCE WITH REGIONAL SYSTEMS

Regional Parks

Reviewer: Jan Youngquist, CD – Regional Parks System Planning, (651-602-1029)

The Update conforms to the *2030 Regional Parks Policy Plan*. The Update acknowledges the regional park system facilities in the City, which include the proposed Washington County Greenway Regional Trail and Brown's Creek State Trail.

Transportation

Roads and Transit

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

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

The City is served by segments of one principal arterial, TH 36, as well as a number of expander and connector type "A" Minor arterials. The Update reflects the reconstruction of the TH 36 St. Croix River Bridge, which is identified in the TPP as a Tier 1 bridge, requiring it to be under contract by 2018.

The City is within the Metropolitan Transit Taxing District and lies within Transit Market Area III. Service options for Market Area III include peak-only express, small vehicle circulators, midday circulators, special needs paratransit (ADA, seniors), and ridesharing.

Aviation

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

The Update conforms to the TPP and is consistent with Council aviation policy.

Water Resources Management

Wastewater Service

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

The Update, with supplemental materials, conforms to the *2030 Water Resources Management Policy Plan* (WRMPP). The Update summarizes the City's vision for the next 20 years or to year 2030. It includes growth forecasts that are consistent with the Council's recommended forecasts for population, households, and employment.

Current wastewater treatment services are provided to the City by the Metropolitan Council Environmental Services. Wastewater generated within the City is conveyed to and treated at the Metropolitan Council's St. Croix Valley Wastewater Treatment Plant located in Oak Park Heights. The Update projects that the City will have 8,550 sewer households and 13,600 sewer employees by 2030. The Metropolitan Disposal System, with its scheduled improvements has, or will have, adequate capacity to serve the City's growth needs.

The Update provides sanitary flow projections in 5-year increments. The rationale for the projections is given in the Update and determined appropriate for planning for local services.

The City has been identified as a community impacted by wet weather occurrences. The City is currently on the Council's list of communities having an I/I reduction goal. The City has committed to mitigate excessive I/I at levels equal to the Council's Surcharge amount. The Update, with supplemental materials, includes a description of a reduction plan, which includes televised inspections to identify causes of potential I/I sources. The City also has adopted an ordinance that prohibits discharge of stormwater, surface water, or groundwater into the sanitary sewer system.

The City has committed to mitigate flood-related I/I through implementing the following improvements during periods of impending flood conditions: construction of a temporary levee over the existing manholes in the downtown area, installation of plugs in sanitary sewer services located in flooded areas, and building temporary flood protection around the two existing lift stations in the City that are impacted by river flooding. The City also proposes improvements of a more permanent nature that includes: sewer lining of the existing sanitary sewer from the Nelson Lift Station to Elm Street (approximately 3,260 feet), installation of watertight manhole covers in flood prone areas, repair of deteriorated manhole adjustment rings, and installation of external chimney seals.

Tier II Comments

The Tier II Sewer Element of the Update has been reviewed against the requirements for Tier II Comprehensive Sewer Plans for Developed communities. It was found to be complete and consistent with Council policies. Upon adoption of the Update by the City, the action of the Council to approve the Tier II Plan becomes effective. At that time, the City may implement its Update to alter, expand, or improve its sewage disposal system consistent with the approved Tier II Sewer Plan. A copy of the City Council Resolution adopting the Update needs to be submitted to the Metropolitan Council for its records.

Surface Water Management

Reviewer: Judy Sventek, ES – Water Resources Assessment, (651-602-1156)

The Update conforms to the WRMPP for local surface water management. The City lies within the Carnelian Marine St. Croix, Middle St. Croix, and Browns Creek watersheds. The Board of Water and Soil Resources (BWSR) approved the Carnelian Marine St. Croix Watershed District's latest watershed management plan in 2000. BWSR approved the Browns Creek Watershed District's and the Middle St. Croix Watershed Management Organization's watershed management plans in 2007 and 2005 respectively.

The City completed a local surface water management plan (LSWMP) that was reviewed under separate cover in 2007. Council staff found the LSWMP to be consistent with Council policy and the Council's WRMP.

Advisory Comments

The City needs to send to the Council the dates that the watershed management organizations approved the LSWMP for the Council's records.

CONSISTENCY WITH COUNCIL POLICY

Forecasts

Reviewer: Dennis Farmer, CD - Research, (651-602-1552)

The Update, with supplemental materials, is consistent with Council policy for forecasted-related content. The Update proposes lower total population and household forecasts for 2010 based on recent housing market trends. The Update also proposes higher sewer population and household forecasts for 2020 and 2030 based on the City's inventory of underutilized vacant lots. The revised forecasts are shown in Table 1 below.

Table 1. City of Stillwater Revised Forecasts

	2010	2020	2030
Population – Unsewered	250	130	120
Population – Sewered	18,150	21,170	19,780
Population - TOTAL	18,400	21,300	19,900
Households – Unsewered	100	50	50
Households – Sewered	7,100	8,050	8,550
Households – TOTAL	7,200	8,100	8,600
Employment – Unsewered	0	0	0
Employment – Sewered	11,600	12,500	13,600
Employment – TOTAL	11,600	12,500	13,600

Council staff find the City's proposed forecast revisions to be reasonable and recommend that the Council revised the City's forecasts effective upon action on the Update. The Council's System Statement Forecasts are shown in Table 2 below. The revised forecasts in Table 1 will replace the System Statement forecasts for the City.

Table 2. Metropolitan Council System Statement Forecasts

	2010	2020	2030
Population	19,100	21,300	19,900
Households	7,500	8,100	8,600
Employment	11,600	12,500	13,600

As noted in the Housing section below, the City's forecast revision results in a change in the City's share of the region's affordable housing need. The affordable housing need calculation is based upon net growth in households between 2010 and 2020. The City's revised forecasts increases this 2010-2020 growth, thereby raising the affordable housing need number from 142 units to 233 units.

Advisory Comments

In the supplemental materials dated March 16, 2010, the text above Table 2-2 states that the table contains both the Metropolitan Council forecasts and the City's preferred forecasts; however, the table only contains the Council's forecasts and is missing the City-preferred forecasts. For clarity, Table 2-2 should be corrected in the final Update to

include the City-preferred forecasts.

2030 Regional Development Framework and Land Use

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

The Update, with supplemental materials, is consistent with the 2030 Regional Development Framework (RDF) for land use. The RDF designates the City as a Developed community, and directs Developed communities to maintain current infrastructure; renew and improve infrastructure, buildings, and land to provide for additional growth, particularly at centers along transit corridors; and to support development that integrate land uses.

The Update describes policies that encourage the use of development concepts that mix uses, provide opportunities for lifecycle housing, reinforce connections between the community and the river front, promote pedestrian access throughout the community. The Update also directs development to existing infrastructure by promoting and maintaining the downtown as a central focus for community economic and cultural activities.

In addition to the Land Use plan, the Update contains a detailed downtown plan that assess the economic and residential potential for downtown Stillwater, details streetscape plans to improve the pedestrian environment and view corridors, analyzes building massing potential, and assesses and plans for future parking needs.

The Update also plans for the remaining areas annexation areas of the City's Orderly Annexation Agreement (OAA) with Stillwater Township (See Figure 6). Most of the areas in the first phases of the (OAA) have been annexed into the City already, but there remain parcels within the first three phases that have not yet been annexed. The majority of the properties identified as Phase IV have not been annexed or developed, but are planned for annexation within the 2030 planning horizon. Vacant and underutilized properties in these areas are included in the City's residential growth capacity analysis.

The Update analyzed the residential growth capacity throughout the City, including the remaining areas for annexation, to determine the development potential based on the land availability. The Update identifies 346 net developable acres of land available for Low, Low/Medium, and Medium Density Residential development. As shown in the table below, the Update is consistent with Council policy in establishing a minimum residential density for future development of more than 3 units per net acre, with higher densities (4.4 -14.5 units/acre) along transportation corridors and in the City's core.

Table 3. Residential Density Calculation*

Planned Land Use Category	Density	Net Acres	Minimum Units
Low Density Residential	3	115.1	329 ¹
Low/Medium Density Residential	4.4	185.8	818 ²
Medium Density Residential	6	45.1	349 ³
TOTALS	4.32	346	1496

* Information found in Tables 2.3 and 4.5 in City's supplemental materials received February 23, 2010.

¹ Calculation include 3 du/ac for 51.1 net undeveloped acres, plus 136 currently available vacant LDR lots, plus 40 new infill units in the Minar Ave neighborhood

² Calculation includes 4.4 du/ac for 111.8 net undeveloped acres, plus 326 currently available vacant lots.

³ Calculation includes 6 units per acre for 32.1 net undeveloped acres, plus vacant developed sites for 156 MDR units.

Advisory Comments

As a Developed community, the City is advised to participate in the Council's activities to

monitor redevelopment in Developed communities.

Housing

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

The Update, with supplemental materials, fulfills the affordable housing planning requirements of the Metropolitan Land Planning Act (MLPA). The Update acknowledges the City's share of the affordable housing need for 2011-2020 as 142 units; however, based on the net growth in sewerer households between 2010 and 2020 as requested through the Update process, that number will increase to 233 units. The Update will need to be revised to acknowledge this number before the City confers final adoption of the Update.

To provide opportunities to meet this need, the Update indicates that approximately 45 acres of land will be available for medium density residential development at 6 to 14.5 units per acre.

The Update provides the implementation tools and programs that the City will use to promote opportunities to address its share of the region's housing need. The City will seek housing developers to work cooperatively with the City to construct affordable housing; consider designating a portion of TIF to funding activities that increase new affordable housing; utilize techniques, such as land trusts, to maintain long-term affordability; and partner with, support, and market programs offered by the County, State, Minnesota Housing, the federal government, and non-profits. The City is an active participant in the Local Housing Incentives program of the Livable Communities Act (LCA), and has applied for and received nearly \$700,000 in grants through the LCA program.

Advisory Comments

Before the City confers final adoption of the Update, the Update needs to be revised to acknowledge the City's revised share of the region's affordable housing need as 233 units rather than 143 units.

Community and Individual Sewage Treatment Systems (ISTS)

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

The Update is consistent with the WRMP for ISTS. The Update indicates that there are approximately one hundred (100) ISTS in operation in the City. City Code requires all new system installations to be consistent with MPCA Rule requirements. All maintenance management and system tracking has been delegated to Washington County. The County's ordinance and program are consistent with MPCA Rules and Council policy requirements.

Water Supply

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

The Update is consistent with the WRMP for water supply planning. The Council encourages the City to continue to promote the efficient use of water through the implementation of water conservation programs.

Resource Protection

Historic Preservation

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

The Update addresses historic preservation in the community as required by the MLPA. The Update contains a chapter addressing historic resources, which details the role of the City's Heritage Preservation Commission, lists historic and cultural resources in the community, and discusses policies for preserving those resources.

Solar Access Protection

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

The Update appropriately addresses the protection of access to solar energy as required by the MLPA. The Update describes the City's intent to protect access to direct sunlight for solar energy systems on principal structures through review of site plans and in planning decisions.

Aggregate Resources Protection

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

The Update contains a section on aggregate resources protection as required by the MLPA. Consistent with *Minnesota Geological Survey Information Circular 46* data, the Update identifies the presence of thin deposits of aggregate resources along the eastern edge of the City. The majority of the resources are located either within the Lower Saint Croix National Scenic Riverway or within urbanized areas of the City, and are therefore unavailable for mining.

PLAN IMPLEMENTATION

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

The Update includes a description of and schedule for any necessary changes to:

- Capital Improvement Program Yes
- Zoning Code Yes
- Subdivision Code Yes
- ISTS Code Yes
- Housing Implementation Program Yes

The Update contains an Implementation Plan, which describes the official controls and fiscal devices that the City will employ to implement the Update, with a plan for revising or modifying ordinances to implement the plan. Specific implementation strategies are also contained in individual chapters of the Update, with priorities and capital improvements planning detailed in the implementation chapter.

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

The City submitted its Update to the adjacent communities, Washington County, affected school districts, affected watershed districts, and other special districts for comment on December 15, 2008. There do not appear to be any conflicts with the plans of adjacent and affected jurisdictions.

DOCUMENTS SUBMITTED FOR REVIEW

- City of Stillwater Comprehensive Plan (July 2, 2009)
- Revisions to aviation, ISTS, forecasts, housing, land use, parks, and transportation in response to incomplete letter (February 23, 2010)
- Revisions to I/I and forecasts tables (March 16, 2010)

ATTACHMENTS

- Figure 1: Location Map with Regional Systems
- Figure 2: 2030 Regional Development Framework Planning Areas
- Figure 3: Existing Land Use
- Figure 4: 2030 Land Use
- Figure 5: Future Land Use in 5-Year Stages
- Figure 6: Orderly Annexation Agreement Phasing

Figure 1. Location Map with Regional Systems

City of Stillwater

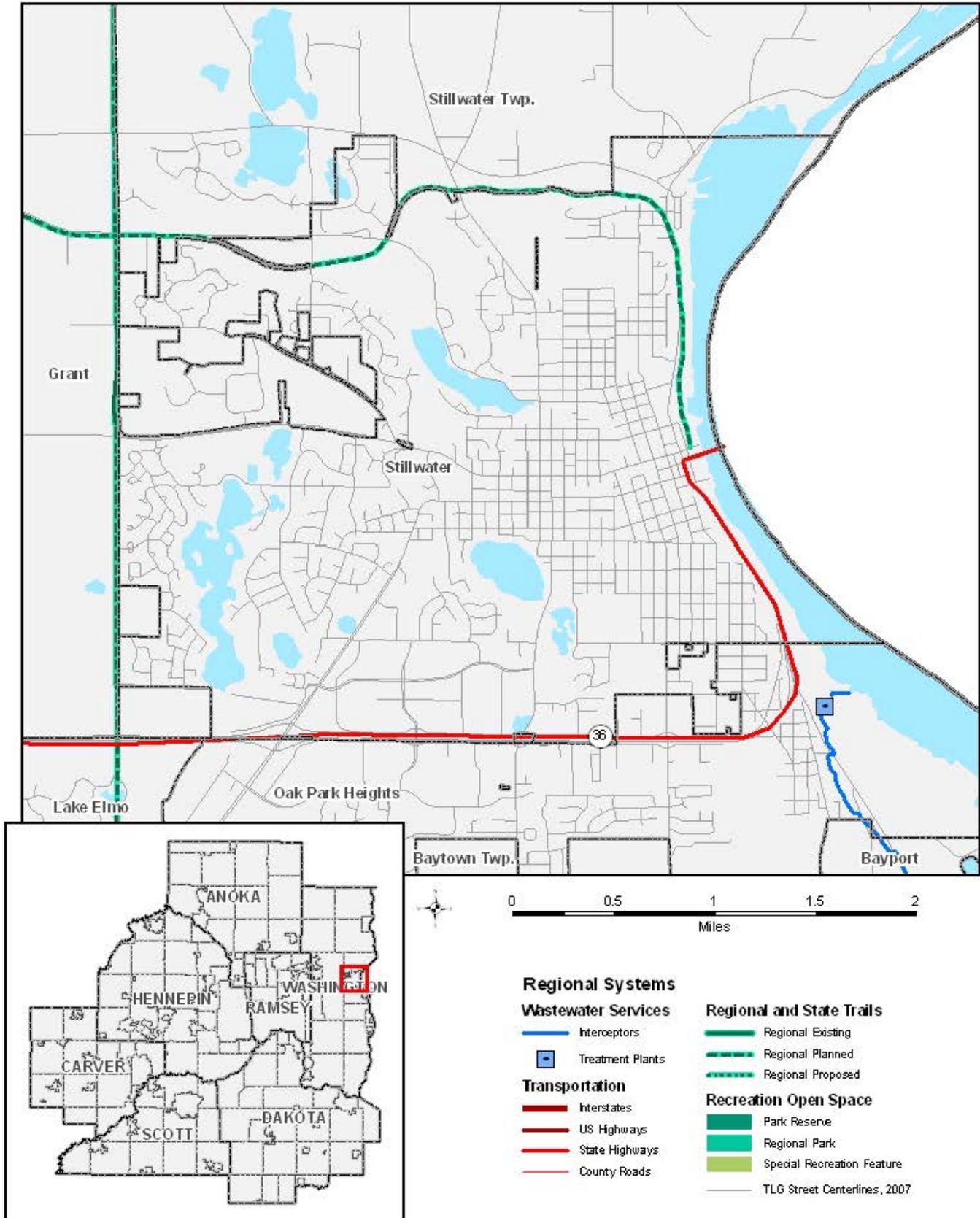
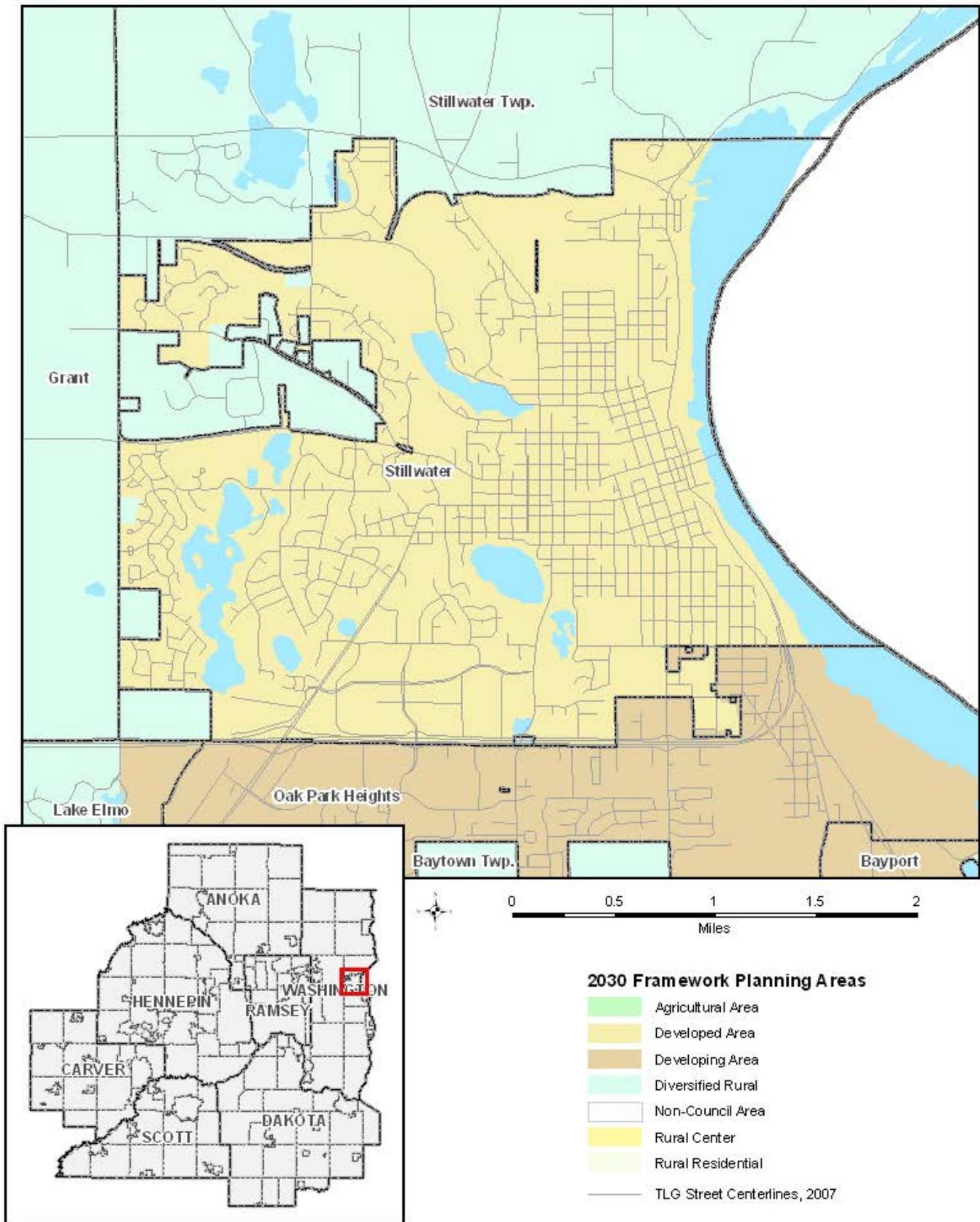


Figure 2. 2030 Regional Development Framework Planning Areas

City of Stillwater



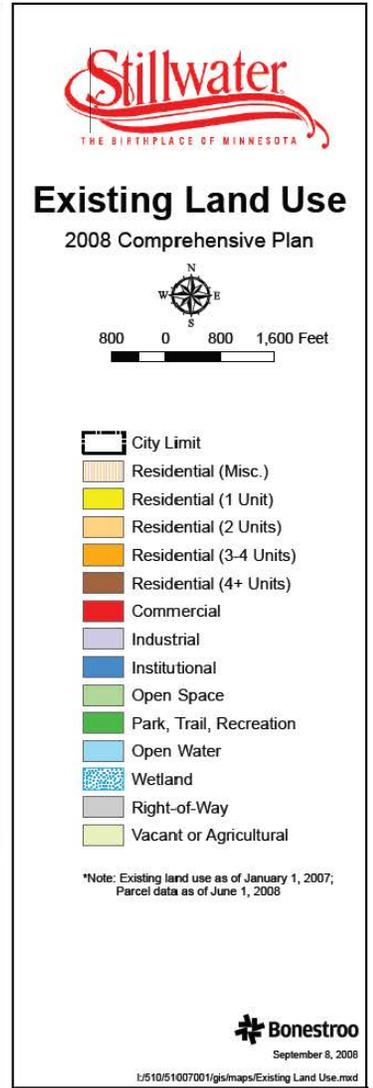
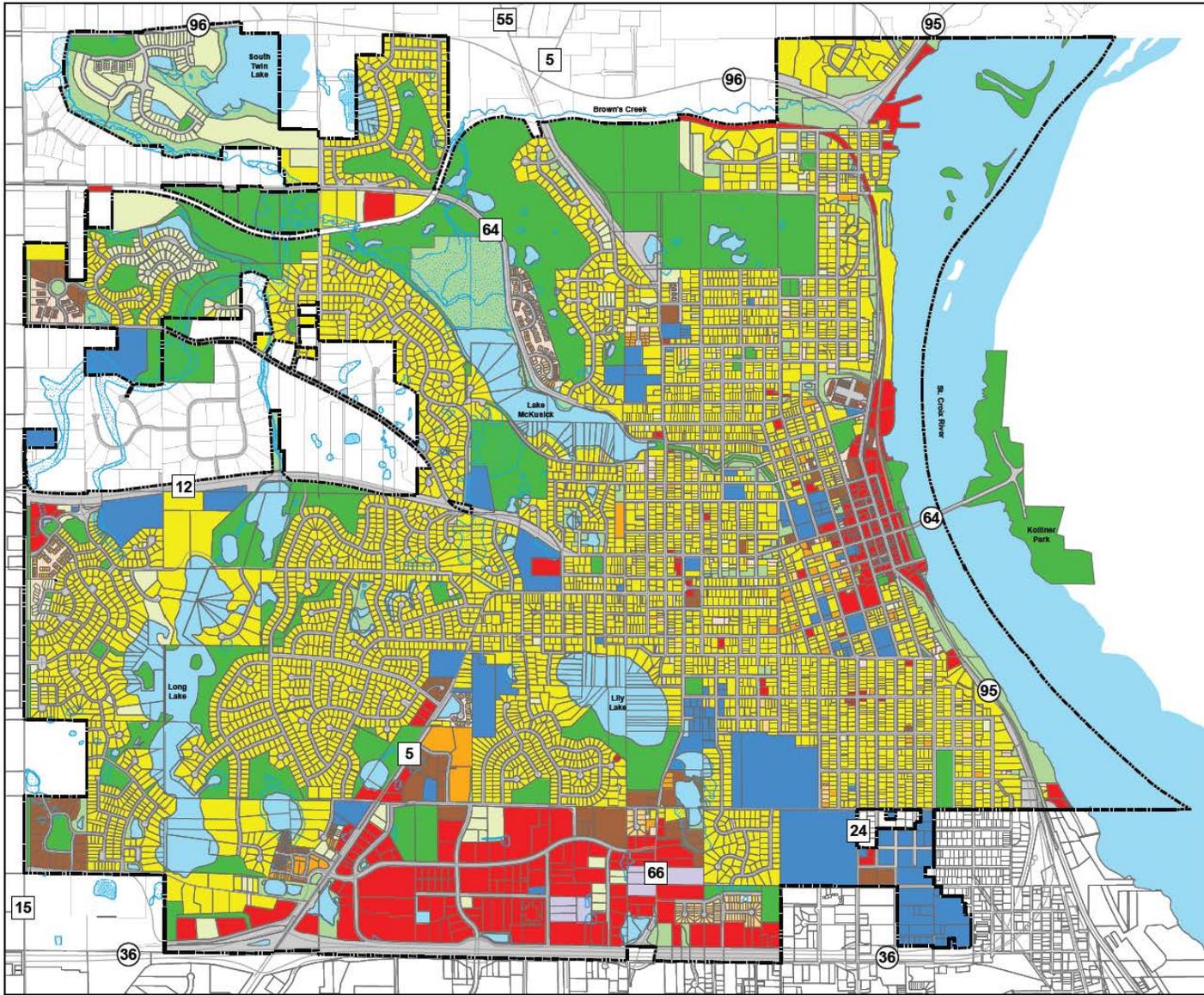


Figure 2.1 : Existing Land Use



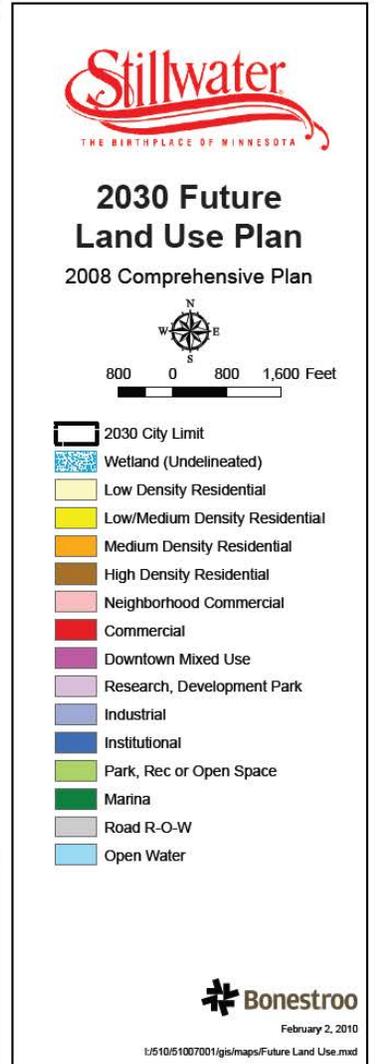


Figure 2.3: 2030 Land Use

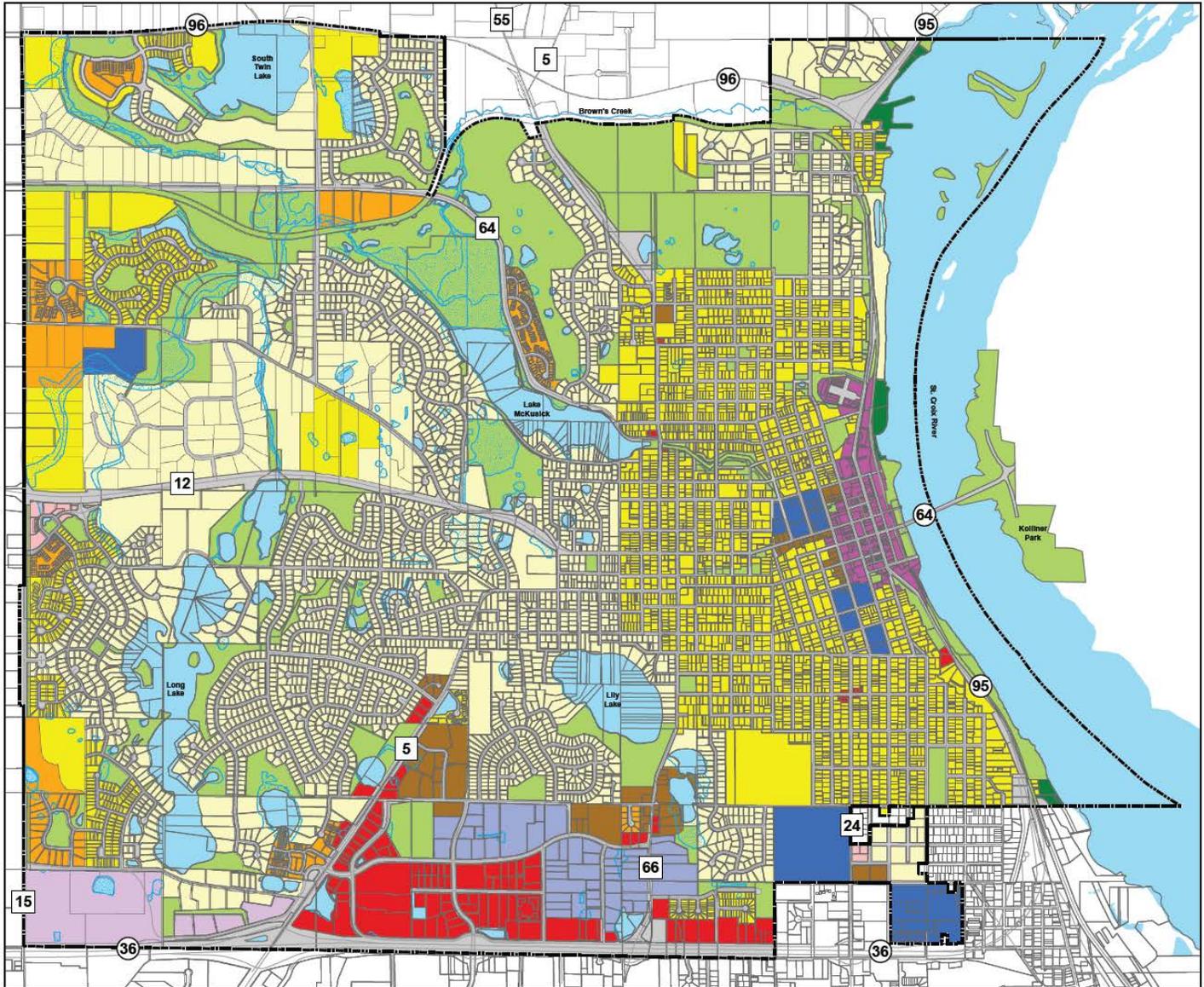


Figure 5. Future Land Use in 5-Year Stages Table
City of Stillwater

Land Use Changes Through 2030

2000 FLU	Density (Units/ac)	2000 Acres	2030 FLU	Density (Units/ac)	2010 Acres	2015 Acres	2020 Acres	2025 Acres	2030 Acres	Change 2000-2030
RESIDENTIAL										
SFLL	Up to 2	1,236.4	LDR	1 – 4.4	1,251.4	1,335.4	1,419.4	1,515.8	1,612.2	375.8
SFSL	Up to 4	727.5	LMDR	4.4 – 9.7	810.5	845.4	880.3	908.4	936.6	209.1
ASF	Up to 6	140.0	MDR	6 – 14.5	105.5	108.3	111.0	113.8	116.5	-23.5
MF	Up to 15		HDR	12+	69.6	69.6	69.6	69.6	69.6	69.6
SUB-TOTAL		2,103.9	SUB-TOTAL		2,237.0	2,358.7	2,480.3	2,607.6	2,734.9	631.0
COMMERCIAL										
	2000 est. Employees			Est. Employ/Ac						
CN	150	13.7	NC	15	8.4 acres 126 employees	7.7 acres 115 employees	7.0 acres 105 employees	6.6 acres 99 employees	6.2 acres 80 employees	-7.5 acres -70 employees
CC	4,400	160.9	COM	30	156.8 acres 4,703 employees	154.3 acres 4,600 employees	151.8 acres 4,500 employees	153.9 acres 4,400 employees	147.6 acres 4,275 employees	-13.3 acres -125 employees
BPC BPO			DMU	25	56.3 acres 1,408 employees	56.3 acres 1,400 employees	56.3 acres 1,350 employees	56.3 acres 1,300 employees	56.3 acres 1,186 employees	7.5 acres -364 employees
SUB-TOTAL	6,100	223.4	SUB-TOTAL		221.5 acres 6,237 employees	218.3 acres 6,115 employees	215.1 acres 5,955 employees	216.8 acres 5,799 employees	210.1 acres 5,541 employees	-13.3 acres -559 employees
INDUSTRIAL AND RESEARCH										
	Est. Employees			Est. Employ/Ac						
BPI	3,100	118.3	BPI	30	107.1 acres 3,213 employees	110.0 acres 3,300 employees	112.9 acres 3,388 employees	115.8 acres 3,475 employees	118.7 acres 3,562 employees	0.4 acres 462 employees
RDP	50	28.1	RDP	30	14.6 acres 439 employees	31.1 acres 932 employees	47.5 acres 1,424 employees	63.9 acres 1,917 employees	86.4 acres 2,568 employees	58.3 acres 2,518 employees
SUB-TOTAL	3,150	146.4	SUB-TOTAL		121.7 acres 3,652 employees	141.1 acres 4,232 employees	160.4 acres 4,812 employees	179.7 acres 5,392 employees	205.1 acres 6,130 employees	58.7 acres 2,980 employees
INSTITUTIONAL										
A/O CEM ESS	1,500	180.2	INST	15	107.1 ac 1,605 employees	112.5 ac 1,687 employees	117.9 ac 1,768 employees	123.3 ac 1,850 employees	128.7 ac 1,931 employees	-51.5 ac 431 employees
SUB-TOTAL	1,500	180.2	SUB-TOTAL		107.0 acres 1,605 employees	112.5 acres 1,687 employees	117.9 acres 1,768 employees	123.3 acres 1,850 employees	128.7 acres 1,931 employees	-51.5 acres 431 employees
PARK AND OPEN SPACE										
PN PC PG OPS RAIL PM		551.4	PR		908.8	912.8	916.8	924.3	931.8	380.4
SUB-TOTAL		568.7	SUB-TOTAL		926.1	930.1	934.1	941.6	949.1	380.4
WATER BASINS										
WATER & WETLANDS		671.4	WATER & WETLANDS		691.8	712.0	732.1	752.2	772.4	101.0
ROADS										
ROW		705.3	ROW		814.4	821.1	827.7	834.4	841.0	135.7
TOTAL	10,750 employees	4,599.3 acres	TOTAL		5,119.5 acres 11,494 employees	5,293.8 acres 12,034 employees	5,467.6 acres 12,535 employees	5,655.6 acres 13,041 employees	5,841.3 acres 13,602 employees	1,242.0 acres 2,852 employees
Met Council Estimate	10,719 employees		Met Council Estimate		11,600 employees		12,500 employees		13,600 employees	2,881 employees

Figure 2.2 : Orderly Annexation Agreement Phasing

