

Community Development Committee

Business Item: 2009-32

Meeting date: February 2, 2009

ADVISORY INFORMATION

Subject City of Andover – Comprehensive Plan Update

Set a Public Hearing Date on A Proposed Plan Modification

Review Number: 20236-1

Districts, Members District 9, Council Member Natalie Steffen

Prepared by Patrick Boylan, Sector Representative (651-602-1438)

Susan Hoyt, Planning Analyst (651-602-1330)

Phyllis Hanson, Manager Local Planning Assistance (651-602-1566)

Division/Department Community Development / Local Planning Assistance

Proposed Action

Schedule a public hearing for February 17, 2009 on a proposed plan modification for the 2008 - 2030 Comprehensive Plan Update for the City of Andover.

Background

<u>Region</u>al

- The 2030 Regional Development Framework designates the City of Andover as Developing Community. The 2030 Regional Development Framework indicates that developing communities should plan and stage development that accommodates the Council's forecasts for local growth through 2030 at appropriate densities. According to the Development Framework, the cumulative results community-accepted distributions of the forecasts among planning areas are the basis for determining the required land supply and the Council's plans for investments in regional systems such as highways and wastewater service (Page 21).
- The 2030 Water Resources Management Policy Plan states that a system departure occurs when a local governmental unit proposes forecasts for sewered development at densities that are lower than Council forecasts or lower than density standards that are the basis for regional infrastructure planning purposes (page 66). The Metropolitan Urban Service Area (MUSA) Implementation Guidelines specify a minimum of 3 units per net developable acre. (November 2007).
- The 2030 Water Resources Management Policy Plan states that a system departure occurs when a local government unit proposes densities in rural areas that exceed council policy (i.e. one unit per 10 acres in diversified rural and one unit per 40 acres in agricultural areas)(page 66).
- On December 19, 2001 the Metropolitan Council allowed the City to implements its 2020
 Comprehensive Plan contingent implementation of City Resolution No. 177-01 (adopted
 December 6, 2001), which provided for the requirement of the following recommendation passed
 by the Council..

Submittal of a plan amendment within 18 months that designates at least 1,000 acres in the area that is presently guided for rural residential to rural reserve and that protects those acres by prohibiting subdivision of more than one unit per 40 acres and lot splits under 20 acres so those acres area available for an additional urban development after 2020.

City

• On December 6, 2001 the City passed Resolution Number 177-01 stating its commitment to preserve and protect agricultural land uses, promote orderly growth and maintain important quality of life factors by identifying 1,000 acres as rural reserve for post 2020 sewered

development and by restricting lot splits to 1 unit in 20 acres and subdivisions to 1 unit in 40 acres.

- In April 2003 the City submitted a Comprehensive Plan Amendment to the City's 2020 Plan that satisfied the Council's direction as follows (Page 12):
 - 2. e. Rural Reserve (RR) The Metropolitan Council has determined that the Coon Rapids Interceptor contains capacity that can serve approximately 2,000 households beyond the 2020 MUSA boundary. The city will designate an area approximately one thousand acres in size and restrict lots splits of less than one parcel per twenty acres and subdivisions of less than one parcel per 40 acres to prevent this area from rural residential development that would preclude orderly MUSA expansion. The Rural Reserve will be evaluated for potential inclusion in the MUSA as lands within the current MUSA area become fully developed.
- The City's proposed 2030 Update identifies the 1,000 acre area as Rural Reserve for post 2020 sewered development after the area is master planned and water and sewer are available with residential development at a minimum of 3 units per acre. The Update does not include language restricting lot splits to no more than 1 unit per 20 acres and subdivisions to no more than 1 unit per 40 acres.

The Update is inconsistent with the 2030 Regional Development Framework for a developing community regarding the minimum residential density for sewered areas and is inconsistent with the 2001 Metropolitan Council requirement that the 1,000 acre Rural Reserve be limited to lot splits of 1 unit per 20 acres and subdivisions of 1 unit per 40 acres.

Issue

Should the Metropolitan Council find that the City's 2008-2030 Comprehensive Plan Update is more likely than not to contain a substantial departure from the Council's adopted regional wastewater system plan and is more likely than not to have a substantial impact on the metropolitan wastewater from the regional wastewater system plan and is more likely than not to have a substantial impact on the metropolitan wastewater system?

Rationale

Policy. The 2030 Water Resources Management Policy Plan states (Page 30):

The Metropolitan Council will use the wastewater system plan to support the orderly and economic development of the metropolitan area, including, the long term service area of communities. The long term service area will be generally defined by a community or watershed boundary. A community's comprehensive plan and plan amendments are expected to meet the forecasts and densities specified in the Council's 2030 Regional Development Framework. Inconsistencies will provide the Council with grounds for finding that the community's plan is more likely than not to have a substantial impact on, or contain a substantial departure from, the metropolitan system plan, thus requiring modifications to the local comprehensive plan.

<u>Legal</u>. Minnesota Statutes section 473.175, states that the Metropolitan Council may require a municipality to modify its comprehensive plan or any part thereof, if the Council "concludes that the plan is more likely than not to have a substantial impact on or contain a substantial departure from the metropolitan system plans."

<u>Process.</u> The process for requiring and enforcing comprehensive plan modification includes: 1) a public hearing, 2) the adoption of findings, and 3) a resolution. The proposed schedule for considering the City's Comprehensive Plan Update is as follows:

February 6, 2009	Post public hearing notice
February 17, 2009	Hold public hearing at Community Development Committee at 4:30 PM
February 23, 2009	Close public hearing at 4:30 PM
March 2, 2009	Review of hearing record by Community Development Committee with action forwarding recommendations to the Metropolitan Council
March 22, 2009	Formal action by the Metropolitan Council on the City's proposed Plan Update

The public hearing will include a brief overview of the following issues and an opportunity for the City and interested parties to present comments.

- Does the Update follow the process described in the Metropolitan Land Planning Act?
- Will the Update allow the City to accommodate growth consistent with the Council's 2030 Regional Development Framework and 2020 Water Resources Management Policy Plan policies, growth forecasts and densities of at least 3 residential units per net developable acre?
- Is the Update consistent with the Council's requirement for guiding land in the Rural Reserve at no more than 1 unit per 20 acres for a lot split and no more than 1 unit per 40 acres?
- Does the Update represent a substantial departure from the regional wastewater system plan, or have a substantial impact on the metropolitan wastewater treatment system?

Funding

Not applicable.

Known Support or Opposition

The purpose of the public hearing is to solicit and hear public comment on the City's proposed Plan Update and the Council's consideration of the recommended plan modification.

Attachments:

- 1. Letter to City of Andover from Phyllis Hanson, LPA Manager, dated January 2, 2009
- 2. City's 2030 Update: description of Rural Reserve and Future Land Use Map
- 3. City's 2020 Update: description of Rural Reserve and Future Land Use Map
- 4. City of Andover Resolution 177-01
- 5. Community Development Committee report to Council (December 19, 2001 w/o attachments

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Metropolitan Council

January 2, 2009

Courtney Bednarz City of Andover 1685 Crosstown Blvd NW Andover, MN 55304

RE: City of Andover Comprehensive Plan Update – System Departure & Complete for Review Metropolitan Council Review File No. 20326-1 Metropolitan Council District 9, Natalie Steffen

Dear Mr. Bednarz:

The Metropolitan Council received the City's Comprehensive Plan Update (Plan) on September 11, 2008 and found the Update incomplete for review for aviation, forecasts, housing, land use, implementation, transportation, surface water management, and identified the potential for a system departure for wastewater services. The City submitted additional information on November 6th, which the Council staff then determined aviation, forecasts, land use, implementation, and surface water management complete for review. In response to the additional information, the Council's December 1, 2008 letter to the City continued to identify housing as incomplete, transportation inconsistencies, and the system departure for wastewater services. On December 10, 2008 the City submitted additional information that addressed the incomplete housing units information. Council staff now finds the Update complete for review. However, the City should be aware of the following:

Wastewater-

The City of Andover has proposed sewered growth projections that are less than shown in the System Statement for Andover. Staff analysis of the City's plat monitoring data and the 2020-2030 Update guiding using the Council's Revised MUSA Implementation Guidelines together yield residential land use densities lower than the minimum of 3 units per net developable acre. The Council reports, guidelines, and System Policy applied in this analysis were the Plat Monitoring Program; Revised MUSA Implementation Guidelines (approved September 12, 2007); and, Substantial Impacts and Substantial Departures from the Metropolitan Wastewater System Plan (pp. 65-66 of 2030 Water Resources Management Policy Plan). The determination is an under-utilization of regional infrastructure, and represents a wastewater resources system departure.

The City of Andover's 2030 Comprehensive Plan Update substantially departs from the Council's adopted metropolitan system plans and, if implemented, will have a substantial impact on the regional wastewater system. Council staff therefore will recommend that the Metropolitan Council: (1) find that the City's 2030 Comprehensive Plan Update is more likely than not to have a substantial impact on or contain a substantial departure from the 2030 Water Resources Management Policy Plan; and (2) require the City to modify its 2030 Comprehensive Plan Update.

As permitted by Minnesota Statutes section 473.175, subdivision 1, the Council may require a local governmental unit to modify any comprehensive plan or part thereof that is inconsistent with the metropolitan system plan if the Council concludes that the local plan is more likely than not to have either a substantial impact on, or to contain a substantial departure from, the Council's adopted policy plans and capital budgets for metropolitan wastewater service.

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Additional Advisory:

The Council adopted the 2030 Water Resources Management Policy Plan on May 25, 2005. The Policy Plan includes the Regional Wastewater System Long-Term Service Area (LTSA) which identifies potential long-term wastewater service area in the northeast portion of Andover. The City's Update does not identify this long-term service area nor protect this area of the City for potential future sewered development through appropriate guiding. The Council and the City have had discussions about this long-term service area in the past and the Council will continue to work with the City to ensure the City plans for this long-term service area.

Agricultural Preserves

The City of Andover has parcels enrolled in the Agricultural Preserves Program under the Metropolitan Agricultural Preserves Act, but the Update does not show those parcels as agricultural land or protect the land through guiding to 1 residential unit per 40 acres. Section 473H.02 subdivision 7 of the Act defines "long-term agricultural land" as:

"land in the metropolitan area designated for agricultural use in local or county comprehensive plans adopted and reviewed pursuant to sections 473.175 and 473.851 to 473.87, and which has been zoned specifically for agricultural use permitting a maximum residential density of not more than one unit per quarter/quarter."

Cities that exercise planning and zoning authority over lands enrolled in the Agricultural Preserves Program must certify lands that are eligible for designation as agricultural preserves. Section 473H.04, subdivision 2 of the Act states:

"Land shall cease to be eligible for designation as an agricultural preserve when the comprehensive plan and zoning for the land have been amended so that the land is no longer planned for long term agricultural use and is no longer zoned for long term agricultural use, evidenced by a maximum residential density permitting more than one unit per 40 acres."

Until lands are removed from the Agricultural Preserves Program pursuant to the statutory processes in the Agricultural Preserves Act, the City's Update should identify the parcels enrolled in the Agricultural Preserves Program as agricultural and protect those parcels through guiding of 1 residential unit per 40 acres.

In accordance with state law, the Council has 120 days to complete its formal review of the City's Update. Comprehensive plan reviews go to the Council's Community Development Committee (CDC) and then to the Council for action. This 120-day period will end on April 6, 2008. Council staff will communicate with the City actions that are being recommended.

If you have any questions about this review, please contact Patrick Boylan, Principal Reviewer, at 651-602-1438.

Phyllis Hanson, Manager Local Planning Assistance

Natalie Steffen, Metropolitan Council District 9
 Patrick Boylan, Principal Reviewer
 Judy Sventek, Environmental Planning Analyst

Cheryl Olsen, Reviews Coordinator

- 2030 MPDATE



2008 Comprehensive Plan Update

03.05.08 DRAFT

RRR

Rural Reserve (RR) District was designated as an area of approximately one thousand acres in size to accommodate future urban growth beyond the previously planned Municipal Urban Service Area. This area is restricted from development until a master plan has been approved and municipal sewer and water can be constructed to serve the area. In this case, a new trunk sewer line will need to be connected to the Coon Rapids Interceptor, a regional trunk sewer line located near the intersection of Crooked and Bunker Lake Boulevards. The city has reached agreement with the Metropolitan Council that areas designated for residential development in the Rural Reserve will be developed at three units per net acre (subtracting parks, wetlands, floodplain, water bodies, arterial roads, and other areas restricted from development).

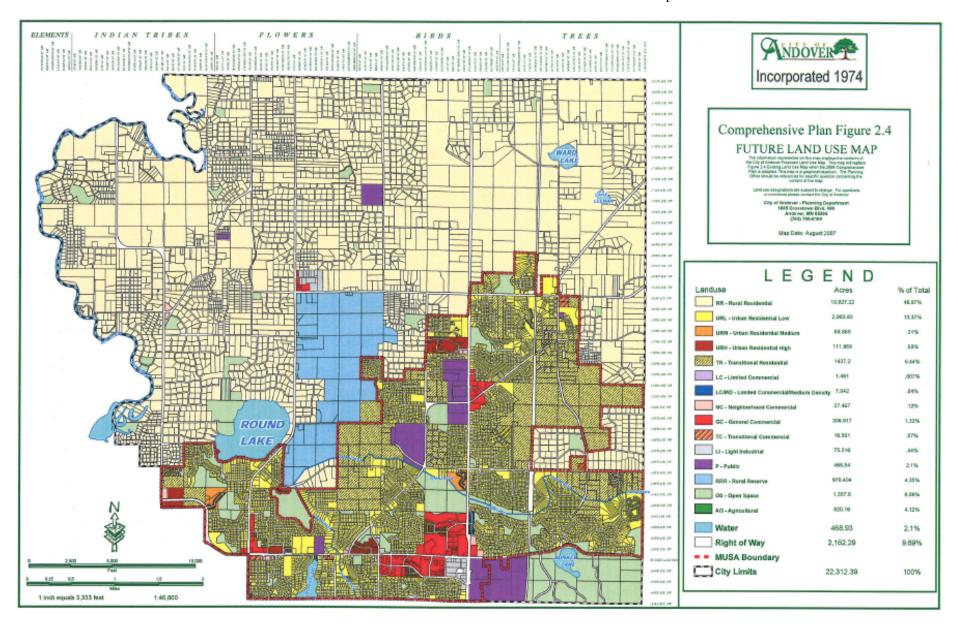
SEWER STAGING PLAN

Undeveloped land within the Municipal Urban Service Area is divided into five year growth stages based primarily on the proximity of municipal sewer and water. The growth stages are intended to provide a reasonable estimate of urban growth to the year 2030. Property owners may choose not to develop even if their property is shown within the current growth stage. Property owners seeking to develop sooner than shown on the Staging Plan may petition the city to change the growth stage designation. These changes are at the discretion of the City Council. The Staging Plan Map is represented on Figure 2.5. Figure 2.6 summarizes the map by providing the amount of acreage within each land use district in each of the five year stages. The Metropolitan Council also requests information that summarizes the density of future development in each residential land use district. This information is provided in Figure 2.7.

URBAN AND RURAL GROWTH FORECAST

Figure 2.8 describes historical and projected growth within both sewered and unsewered areas of the city. The city forecasts were generated using information from transportation analysis zones, a comparison of net buildable acreage to the city's subdivision ordinance and the Sewer Staging Plan. The Metropolitan Council forecast was submitted to the City as part of the System Statement in September 2005. The city's forecast is considered to be a more accurate representation of future growth because it is based on verified building permit activity, parcel level analysis and the application of local land use regulations.

Attachment 2: 2030 Future Land Use Map



2020 PLAN



City of Andover Comprehensive Plan ~ Chapter Four



e. Rural Reserve – (RR) The Metropolitan Council has determined that the Coon Rapids Interceptor contains capacity that can serve approximately 2,000 households beyond the 2020 MUSA boundary. The city will designate an area approximately one thousand acres in size and restrict lot splits of less than one parcel per twenty acres and subdivisions of less than one parcel per 40-acres to prevent this area from rural residential development that would preclude orderly MUSA expansion. The Rural Reserve will be evaluated for potential inclusion in the MUSA as lands within the current MUSA area become fully developed (see figure 4.8).

3. Commercial Land Uses

As the City's population has grown so has the demand for commercial goods and services. The Land Use Plan establishes three commercial districts to guide the location and intensity of commercial land uses in the City. It is the City's intent to concentrate commercial development to create a downtown area by aggregating commercial land uses along Bunker Lake Boulevard between Hanson Boulevard and Crosstown Boulevard and to prevent the intensification of neighborhood commercial areas that may negatively affect surrounding residential properties.

a. Limited Commercial (LC) land use district is designated for locations in the community that should be limited to primarily office uses. These areas also need extra care to be taken to protect surrounding residential areas from traffic and noise associated with more intense commercial activities.

Area Requirements:

1 to 5 acres

City Utilities:

Only within the MUSA

Corresponding Zoning District:

LB - Limited Business

Type of Development:

Primarily Offices

Development Criteria:

Buffer uses adjacent to residential

areas.

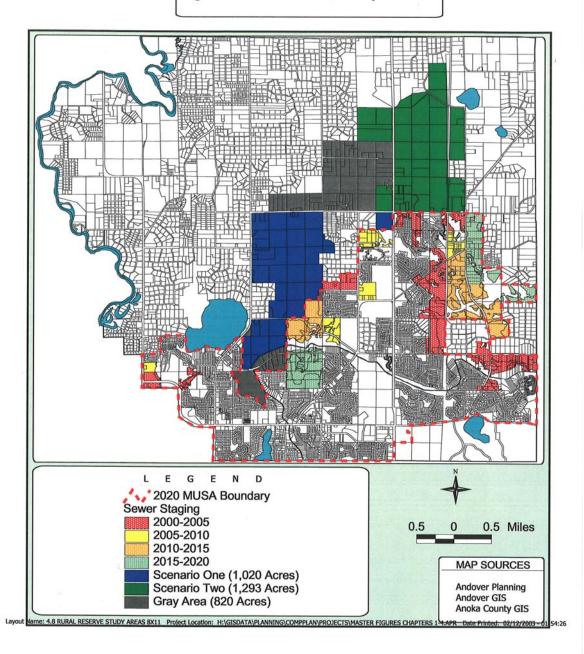
b. Neighborhood Commercial (NC) The NC - Neighborhood Commercial land use district is designated for businesses that serve local neighborhood needs with a trade area of one mile or less. Care should be taken to separate

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Comprehensive Plan

Figure 4.8 Rural Reserve Study Areas



CITY OF ANDOVER COUNTY OF ANOKA STATE OF MINNESOTA

RESOLUTION NO. 177-01

A RESOLUTION COMMITTING THE CITY OF ANDOVER TO CERTAIN LAND USE CONTROL ACTIONS TO BRING ITS 2020 COMPREHENSIVE PLAN INTO CONFORMANCE WITH METROPOLITAN SYSTEM PLANS

WHEREAS, the City of Andover pursuant to Minnesota Statutes 473.864, Subd. 2 and 473.175 has submitted for review and adoption its 2020 Comprehensive Plan to the Metropolitan Council to ensure conformance with metropolitan system plans and Regional Growth Strategy policies;

WHEREAS, the Metropolitan Council staff review record of the City's 2020 Comprehensive Plan identified land use elements that are deemed inconsistent with Metropolitan Council Regional Growth Strategies policies for rural and urban reserve areas within the City of Andover and represents a substantial departure from the regional Wastewater System plan;

WHEREAS, specific land use control issues identified in the review record dated October 10, 2001 would require the City of Andover to take additional measures and actions to ensure conformance with metropolitan system plans and consistency with Regional Growth Strategy Plan through its 2020 Comprehensive Plan; and

WHEREAS, the City of Andover has reviewed the recommended land use and waste water system recommendations identified by the Metropolitan Council staff and indicated their willingness to commit in concept and principle to take appropriate legislative actions to ensure municipal compliance with metropolitan system plans.

NOW THEREFORE BE IT RESOLVED that the Andover City Council commits to the following land use control actions to ensure conformance with metropolitan system plans and consistency with regional policies in the following manner:

1. The City of Andover commits to restricting lot splits of less than 20 acres within the 2020 urban reserve area and shall incorporate said restrictions within its 2020 Comprehensive Plan for designated and/or future designated urban reserve areas.

2. The City of Andover shall commit to identifying and protecting through appropriate land use controls environmentally sensitive resources, agricultural lands and buffer areas in the rural area in cooperation with metropolitan and state agencies; protection of environmentally sensitive areas shall be limited to land use controls as approved by the governing body.

3. The City of Andover, in order to preserve and protect agricultural land uses, promote orderly growth and maintain important quality of life factors, will:

a. identify and designate within 18 months from the date of its 2020 Comprehensive Plan adoption no less than 1,000 acres of rural reserve area. During this 18 month review and designation process, restrictions on lot splits of less than 1 per 20 acres and subdivision of less than 1 per 40 acres shall apply to all land areas referenced in Scenario 1 and 2 (hereto attached) beyond the City's adopted 2020 metropolitan urban service area.

b. restrict the subdivision of agricultural preserve and non-agricultural rural property in the designated rural reserve area to no less than 1 per 40 acres until the City has

an adopted 2040 Comprehensive Plan;

c. restrict lot splits of no less than 20 acres in the designated rural reserve area until

the City has an adopted 2040 Comprehensive Plan

4. The City of Andover seeks to reserve its rights to future CAB sewer flows and agrees to perform necessary and timely sewer studies at the Metropolitan Council's request in determining ultimate CAB sewer flow design capacity requirements when planning for City 2040 development needs.

BE IT FURTHER RESOLVED that the Metropolitan Council will in exchange for these additional municipal land use control commitments be willing to recommend adoption of the City's 2020 Comprehensive Plan and allow the City to put its plan into effect, conditional on the herein described land use actions being incorporated into the final, adopted 2020 Comprehensive Plan.

BE-IT FURTHER RESOLVED that upon adoption of this resolution and corresponding adoption of the City's 2020 Comprehensive Plan by the Metropolitan Council, City staff is authorized to incorporate appropriate language in its 2020 Comprehensive Plan to easure internal consistency with the actions prescribed by this resolution.

Adopted by the City Council of the City of Andover this 6th day of December, 2001.

ATTEST:

City Clark

CITY OF ANDOVER

Mayor

Other Business

Meeting date: December 19, 2001

Executive Summary

Agenda Item: 2001-546

ADVISORY INFORMATION

Date: December 12, 2001

Subject: City of Andover Comprehensive Plan -- Referral File No. 18158-1

District(s), Member(s):

Metropolitan Council District 9 (Natalie Haas Steffen, 763-753-4298)

Policy/Legal Reference:

Minn. Stat. § 473.864, Subd. 2 and § 473.175, Subd. 1

Staff Prepared/Presented:

Sandra Pinel, AICP, Principal Reviewer (651-602-1513);

Eli Cooper, Director, Planning and Growth Management Dept (651-602-1521);

Division/Department:

Caren Dewar, Deputy Regional Administrator (651-602-1306) Policy Alignment & Development/Planning and Growth Management

OVERVIEW

The city of Andover, located in Anoka County, is ranked 16th in anticipated growth to 2020. The plan is consistent with Metropolitan Council forecasts and Regional Growth Strategy policies for the current and proposed Metropolitan Urban Service Area (MUSA). The land use plan for the area outside the city's 2020 urban transition area is inconsistent with the Regional Growth Strategy policies for the permanent rural and urban reserve policy areas.

As a condition of receiving Council assistance to allow a school on agricultural preserve lands, the city agreed during the March 2000 school site plan amendment review, to make its comprehensive plan consistent with all regional plans and policies. The plan and proposed changes addressed all of the Regional Blueprint policies and conditions of the March 2000 school site amendment with two exceptions. It did not have an adequate urban reserve, constituting a substantial departure from the regional wastewater system policies, and did not protect vacant rural at one unit per 10 acres, constituting an inconsistency with permanent rural policies. After receiving the draft Council staff report, the city extended the legal review time for the Council in order to address these issues. On December 6, 2001, the city council unanimously adopted Resolution No. R117-01 committing to changing plans and land use controls in order to protect a 2,029-acre study area from which to identify an adequate "rural reserve" (urban reserve). The city will submit a plan amendment within 18 months showing the final rural reserve area. The resolution also commits Andover to work with the Council and state agencies on agricultural and sensitive natural resource protection in the rural area.

PROPOSED ACTION/MOTION

That the Council adopt the attached Review Record with the following conditions and recommendations:

- 1. The city of Andover may put its 2020 comprehensive plan into effect contingent upon implementation of Resolution No. R177-01, adopted December 6, 2001, which provides for:
 - Incorporation of the language in the resolution into the final plan; and the enactment of land use restrictions provided for in the resolution;
 - Submittal of a plan amendment within 18 months that designates at least 1,000 acres in the area that is presently guided for rural residential to rural reserve, and that protects those acres by prohibiting subdivisions of more than one unit per 40 acres and lot splits under 20 acres so those acres are available for an additional urban development after 2020.

- 2. The city fully pursue opportunities for implementing life cycle housing goals to achieve the overall multi-family density of at least 6 units per acre and the development of its high density designated land at the maximum permitted density in order to achieve the goals the city agreed to in March 2000 and as presented in the comprehensive plan.
- 3. Prior to the construction of any extensions or additions to its disposal system, the city must submit a Comprehensive Sewer Plan (Tier II Plan) to the Council for final approval.

BACKGROUND

In 2000, Andover had an estimated 27,013 people in 8,658 households, and an estimated 3,050 jobs. The Regional Growth Strategy (RGS) identifies three policy areas within the city of Andover: 1) existing Metropolitan Urban Service Area (MUSA), 2) permanent rural area and 3) urban reserve area. The city has 171 vacant acres remaining in the MUSA and proposes to stage MUSA expansions to 2020. Andover is not a Livable Communities Act (LCA) participant, but the city adopted housing goals on February 24, 2000, and incorporated them into its comprehensive plan. The Council provided the city with a planning assistance grant for \$10,660 to help the city update its comprehensive plan.

The plan is consistent with regional forecasts and *Regional Blueprint* policies for the urban and 2020 MUSA area but inconsistent with policies for the urban reserve and permanent rural policies. The plan allows one unit per 2.5 acre density in remaining undeveloped areas, including eventual development of areas currently enrolled in agricultural preserves. Andover's plan is in conformity with the regional system plans for aviation, recreation open space, and transportation. Because the plan does not identify adequate land to accommodate growth after 2020, it is not in conformity with the regional wastewater services system policies. The plan met the Council's conditions of the March 2000 high school plan amendment for the urban area, but not for the area outside the 2020 MUSA.

On December 6, 2001, the city council adopted Resolution No. 177-01 committing to make the plan conform with regional system plans by protecting a 2,029 acre rural reserve search area immediately, as noted on the attached resolution. Within 18 months, the city will choose an urban reserve area of at least 1,000 acres and include it in a plan amendment. The resolution further commits the city to work with the Council and state agencies to protect sensitive environmental and agricultural lands in the rural area.

LINKAGE TO COUNCIL STRATEGIES

☑ Infrastructure: The city requests additional MUSA to accommodate the planned growth through 2020.

☑ Quality of life: Plan promotes single-family urban and rural growth with some limited redevelopment and higher density/commercial areas. Plan supports regional parks and trails.

☑ Communication/constituency building: On March 8, 2000, the city agreed to make the comprehensive plan consistent with regional policies as a condition of receiving the Council's assistance with MUSA for a new high school (plan amendment referral No. 18158-3).

☑ Alignment: All but two conditions were addressed in proposed plan changes. The remaining two will be addressed within 18 months. In the interim, land is protected.