

J Community Development Committee Environment Committee

For the Metropolitan Council meeting of June 24, 2009

ADVISORY INFORMATION

Date Prepared: June 16, 2009
Subject: City of Shakopee 2030 Comprehensive Plan Update
Review File No. 20434-1
Tier II Comprehensive Sewer Plan

Proposed Action:

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

1. Authorize the City of Shakopee to put its 2030 Comprehensive Plan Update into effect;
2. Advise the City to provide the Council with the dates that Prior Lake Spring Lake and Lower Minnesota Watershed Districts approved the Comprehensive Surface Water Management Plan.
3. Approve the City of Shakopee's Tier II Comprehensive Sewer Plan.

Summary of Committee Discussion / Questions:

Community Development Committee

The committee asked whether the City of Shakopee has an orderly annexation agreement with Jackson Township. R. Michael Leek, the City's Community Development Director explained the orderly annexation agreement and how it functions. The committee voted unanimously to approve the proposed action.

Environment Committee

Motion to approve the City of Shakopee's Tier II Comprehensive Sewer Plan was made, seconded, and unanimously approved.

C Community Development Committee

Meeting Date: June 15, 2009

E Environment Committee

Meeting Date: June 9, 2009

ADVISORY INFORMATION	
Date:	June 1, 2009
Subject:	City of Shakopee 2030 Comprehensive Plan Update Review File No. 20434-1 Tier II Comprehensive Sewer Plan
District(s), Member(s):	District 4, Councilmember Craig Peterson, 651-602-1474
Policy/Legal Reference:	Minnesota Statute Section 473.175
Staff Prepared/Presented:	Tom Caswell, Principal Reviewer (651-602-1319) Phyllis Hanson, Local Planning Assistance Manager (651-602-1566) Kyle Colvin, Engineering Manager (651-602-1151)
Division/Department:	Community Development / Planning & Growth Management Environmental Services / Engineering Services

PROPOSED ACTION

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

Recommendations of the Community Development Committee:

- 1. Authorize the City of Shakopee to put its 2030 Comprehensive Plan Update into effect;
- 2. Advise the City to provide the Council with the dates that Prior Lake Spring Lake and Lower Minnesota River Watershed Districts approved the Comprehensive Surface Water Management Plan.

Recommendation of the Environment Committee:

Approve Shakopee's Tier II Comprehensive Sewer Plan.

ADVISORY COMMENTS

City of Shakopee 2030 Comprehensive Plan Update Review File No. 20434-1 Council Business Item No. 2009-123

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

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.

A copy of the resolution evidencing 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

The City of Shakopee is located in Scott county, surrounded by the cities of Eden Prairie, Bloomington, Savage, Prior Lake, Spring Lake township, Sand Creek township, Louisville township, Jackson township, and Chanhassen, (see Figure 1).

The *2030 Regional Development Framework (RDF)*, as amended in December 2006, identifies the City as located within the “Developing Area” geographic planning area, (see Figure 2).

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 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. Water Supply | Yes |

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

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

Funding

The City of Shakopee received no planning funds.

Known Support / Opposition

There is no known opposition.

REVIEW RECORD

Review of the City of Shakopee 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 is in conformance with the *2030 Regional Parks Policy Plan*, since it acknowledges the Scott County West Regional Trail, the Minnesota Valley State Trail and Recreation Area, and the Minnesota Valley National Wildlife Refuge.

Transportation

Roads and Transit

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

The Update is in conformance with the *Transportation Policy Plan* and addresses all the applicable transportation and transit requirements.

Aviation

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

The Update is in conformance with the region's aviation system plan and consistent with Council policy.

Water Resources Management

Wastewater Service

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

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

The Metropolitan Council Environmental Services currently provides wastewater treatment services to the City. Wastewater generated within the City is conveyed to and treated at the Metropolitan Council's Blue Lake Wastewater Treatment Plant in Shakopee. The City of Shakopee is served by interceptors 6904, 7120, and 9206. When Interceptor 9206 was constructed, a cost sharing agreement was entered into between the Metropolitan Council and the City covering additional trunk sewer capacity costs for the City. In accordance with the agreement the City must purchase additional capacity in the interceptor, after flows within the interceptor, measured at Townline Avenue, reach 3 cubic feet per second peak flow, or 571,000 gallons per day averaged.

The Update projects that the City will have 21,500 sewered households and 31,000 sewered employees by 2030. The Metropolitan Disposal System with its planned scheduled improvements has or will have adequate capacity to serve these needs.

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

The City has an orderly annexation agreement with Jackson Township for areas currently located in the Township. The Council understands that the City has long-range plans to provide wastewater services to these areas as well as areas in Louisville Township. The Update shows these areas to be served after 2030. Before these areas can be provided service, the City will need to amend its comprehensive plan indicating the inclusion of these areas and associated growth within the City.

The Update identifies portions of Jackson and Louisville Townships to be served in the future by interceptor 9206. These areas would be in addition to those land areas considered in the original designed service area for the interceptor. With these annexations, the interceptor may need to be expanded to provide for the additional long term needs of the City. The Council has identified, and included in its long range Capital Improvement Program, a future Wastewater Treatment Facility in Louisville Township as well as system capacity improvements for interceptor 9206. The treatment facility would provide wastewater treatment services to communities in western Scott County whereas the capacity improvements would provide additional capacity for areas of western Scott and Carver Counties.

The Update shows an alternative (No. 3) for development within a portion of the South Shakopee Sewer Shed that would have wastewater services provided through the City of Prior Lake. Because of potential capacity limitations within its Prior Lake Interceptor, the Council can not approve this option as part of the Update at this time.

Shakopee is not currently a community that has been identified as a community impacted by wet weather occurrences. The Update however does include an Inflow and Infiltration (I/I) reduction plan which includes regular maintenance of the sanitary disposal system on a consistent basis. The City prohibits the connection of sump pumps, rain leaders, and passive drain tiles to the sanitary sewer system.

Tier II Comments

Council staff reviewed the Update’s Tier II Sewer Element against the Council’s requirements for Tier II Comprehensive Sewer Plans for developing communities, and found it complete and consistent with Council polices. The Council’s approval of the Tier II Plan becomes effective upon the City’s adoption of the Update. At that time, the City may 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 final 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 is consistent with the Council’s *Water Resources Management Policy Plan (WRMPP)*. Shakopee lies within the Lower Minnesota, Scott County, and Prior Lake Spring Lake watersheds. The Lower Minnesota River and Prior Lake Spring Lake Watershed District’s watershed management plans were approved by the Board of Water and Soil Resources (BWSR) in 1999. The Scott County Watershed Management Organization’s watershed management plan was approved by BWSR in 2004. Shakopee prepared a Comprehensive Surface Water Management Plan (CSWMP) in 2007 that was reviewed by Council staff under separate cover.

The CSWMP was found to fulfill the requirements for a local surface water management plan. The Council also found that the plan when implemented would provide a good framework for managing storm water in the city.

CONSISTENCY WITH COUNCIL POLICY

Forecasts

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

Forecast-related content, in the supplemental information received February 2009, is consistent with regional policy.

The Update uses employment forecasts for 2030 which are higher than the Council’s. The reasons given by the City include: Employment in Shakopee reached the 2010 forecast level in 2006. Also, the City has guided additional land for commercial and industrial use, providing potential local worksites for Scott County’s resident workforce. Council forecasts prepared five years ago did not account for current planning assumptions for commercial and industrial land. Council staff find the City’s assessment reasonable and appropriate.

Metropolitan Council’s forecast will be revised, as shown below, effective upon Council approval of the Plan Update.

	2010	2020	2030
Households	15,000	19,500	21,500
Population	39,500	48,500	52,000
Employment	17,800	21,300	31,000

2030 Regional Development Framework and Land Use

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

The Update, with the revised supplemental materials, is consistent with the Council’s policies for land use identified in the 2030 Regional Development Framework (RDF). The City is designated as a Developing community, and as such is expected to accommodate growth, support centers along corridors, encourage connected land use patterns, and encourage the development of communities where shopping, jobs, and a variety of housing choices co-exist by design. Developing communities are also expected to accommodate sewered residential growth at a minimum net density of 3 to 5 units per acre. The Update identifies policies to promote new development in areas that can be readily served by urban services, improve appearance of major corridors, and create desirable and livable neighborhoods.

The City submitted a revised Land Use Table in 5-Year Stages and a revised land use map on April 22, 2009. The revised land use table and map indicate that the City is planning for four residential land use categories: Single Family Residential, Medium Density Residential, High Density Residential, and Mixed Use Primarily Residential. As shown in table Land Use Change from 2000-2030, the City is planning for a minimum net density of 3.16 units per acre through 2030.

Land Use Change from 2000-2030					
Category	Density Range		Net Acres	Min Units	Max Units
	Min	Max			
Single Family Residential	3	5	2439	7317	12195
Medium Density Residential	5.01	8	219	1097	1752
High Density Residential	8.01	12	0	0	0
Mixed Use – Primarily Residential	3	5	40	120	200
TOTALS			2698	8534	14147
Overall Density				3.16	5.24

The City’s planned minimum net density is consistent with the Council’s minimum net density of 3 units per acre. In addition, the City has participated in the Council’s Plat Monitoring Program, with data submitted for the years 2000 through 2008. Data from this program shows that the City has developed 4,626 units on 1,224 net residential acres, for a net density of 3.78 units per acre.

Advisory Comments

In the revised table, the City has stated that the minimum densities are “typical” densities for the Single Family Residential, the Medium Density Residential, and the Mixed Use Primarily Residential. Council staff recommends that the City remove “typical” from the land use table and include language in the text that describes that new development will occur at the set minimum densities, while existing development may be lower than the minimum for that category.

To correct internal inconsistencies, the City needs to revise the density descriptions for Single Family Residential and Mixed Use in Section 3.3.1 of the Update to reflect the revised density ranges contained in the updated Land Use Table in 5-Year Stages.

Housing

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

The Update acknowledges the city's share of the region's affordable housing need for 2011-2020 which is 2,105 units. To provide the opportunity to meet this need, the Update identifies the implementation tools and programs the city will use to promote opportunities to address its share of the region's housing need. The City will continue its active participation with the Scott County Community Development Agency to preserve and maintain existing affordable housing, provide information to residents on local, state and federal resources, and develop new affordable housing units. The City has in place a planned unit development ordinance that can, and has allowed for higher densities, reduced setback requirements and other features that in combination can and have resulted in more affordable housing in the city. Shakopee is an active participant in the Livable Communities Local Housing Incentives Program, and has applied for and received \$520,000 in funding through the Local Housing Incentives Account to assist in the development of affordable housing.

The Plan identifies sufficient land available for future residential development to accommodate the City's share of the regional affordable housing need between 2011 and 2020. The Update indicates that approximately 219 acres of land will be guided for medium density residential development, at 5-8 units per acre. It indicates that 58 acres of land mostly guided as commercial may also be developed as a residential use at 8 to 20 units per acre. In addition, the city has a current inventory of approximately 145 multifamily attached lots that can be developed at 8 units per acre. The Update states that the city's predominant single-family zoning district allows single family detached lots of 6,000 square feet with net densities of between 4 and 5 dwelling units per acre.

Shakopee is encouraged to continue to explore redevelopment in appropriate areas of the city as a means to offer even greater opportunities for more dense residential development proximate to employment and services. Its earlier examples of infill and redevelopment of higher density affordable development should continue to set the example for a more intensive reuse of land for residential development.

Community and Individual Sewage Treatment Systems (ISTS)

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

The Update is consistent with Council policies and Minnesota Pollution Control Agency (MPCA) Rules. The Update indicates that there are approximately 787 ISTS in operation in the City, as shown on Figure 3-3 of the Update. The city has delegated responsibility for installation, operation and maintenance of ISTS to Scott County. Scott County's ordinance and maintenance program are consistent with MPCA Rules and Council policies.

Water Supply

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

The Update is consistent with the policies of the Council's *WRMPP*. The Council recommends the City continue to implement conservation programs targeted at reducing residential water use.

Resource Protection

Historic Preservation

Reviewer: Tom Caswell, CD – Local Planning Assistance, (651-601-1319)

The Update is consistent with the *RDF*. The Update includes historic preservation and meets the requirements of the Metropolitan Land Planning Act. It identifies several areas in the City where historic buildings exist. The Update also contains policies encouraging the retention, maintenance and upgrading of historic buildings, including reclassifying existing historic single family from non-conforming to conforming uses so that they may be maintained and expanded.

Solar Access Protection

Reviewer: Tom Caswell, CD – Local Planning Assistance (651-602-1319)

The Update is consistent with the *RDF* in acknowledging the importance of access protection. It contains a discussion of solar access, and provides goals and objectives to support, plan for, and encourage the use of solar energy. This meets the requirements of the Metropolitan Land Planning Act.

Aggregate Resources Protection

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

The Update acknowledges the presence of aggregate resource deposits within the City and its orderly annexation agreement areas. However, the Update does not map aggregate resource data consistent with *Minnesota Geological Survey Information Circular 46 (Circular 46)*. The Update also does not identify planning and regulatory measures to ensure that available (excludes urbanized, SMSC, and environmentally protected lands) aggregate resources are extracted prior to further urbanization of aggregate-rich sites.

The *Local Planning Handbook (Handbook)* discusses comprehensive plan requirements for aggregate resources. The *Handbook* refers the reader to *Circular 46* for the location of identified lands underlain by aggregate resources within the Metropolitan Area. The *Handbook* states that if an aggregate resource “has been identified within the municipality”, its land use plan “must show” the following:

- areas and type of aggregate on the existing and planned land use map,
- land use plans that address and minimize potential land use conflicts, and
- planning and regulatory measures to ensure that aggregate resources are extracted prior to urbanization of an aggregate-rich site.

The City’s Zoning Code only applies Mining Overlay Zones to land within heavy industry (I-2) zoned lands, or to land in other zones which is within an existing mine or adjacent to and surrounded on at least three sides by an existing mine. The Update shows two ‘Mining Overlay’ areas totaling approximately 160 acres on the Proposed Land Use Map. Less than 40 acres within those two ‘Mining Overlay’ areas is included within the *Circular 46*’s identified 2000+ acres of aggregate resources located within the City when that study was undertaken.

Portions of the *Circular 46*–identified aggregate resource area have been urbanized prior to mining of underlying aggregate resources. There are still hundreds of acres of un-urbanized land outside the City’s current MUSA line, underlain by unencumbered aggregate resources. Council staff requests that to present *Circular 46* data on a City Land Use Map (as required by *Handbook* guidance) would allow for the easy observation of undeveloped parcels that are underlain by aggregate resources – it would not require those resources be mined, especially if those lands are already urbanized or subject to environmental protection overlays.

Advisory comment

That the Update indicate the undeveloped parcel underlain by aggregate resources.

PLAN IMPLEMENTATION

Reviewer: Tom Caswell, CD – Local Planning Assistance, (651-602-1319)

The Update is consistent with the *RDF* by including a description of its implementation tools including official controls and zoning. The Update also contains a complete Capital Improvement Program. Although the City does not anticipate significant changes in its official controls, the City is reminded that it must submit copies to the Council of any changes made to any of the above within 30 days of their adoption.

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

The City submitted the Update to adjacent local units of government, school districts, counties and special districts for comment on January 4, 2008. No compatibility issues with plans of adjacent governmental units and plans of affected special districts and school districts were received.

DOCUMENTS SUBMITTED FOR REVIEW

- Draft 2008 to 2030 Comprehensive Land Use Plan Update, December 29, 2008, submitted by R. Michael Leek, Community Development Director.
- Supplemental Information, February 20, 2009, submitted by R. Michael Leek, Community Development Director.
- Supplemental Information, April 24, 2009, submitted by R. Michael Leek, Community Development Director.

ATTACHMENTS

Figure 1: Location Map with Regional Systems

Figure 2: 2030 Regional Development Framework Planning Areas

Figure 3: 2030 Land Use Plan

Figure 1. Location Map Showing Regional Systems
Shakopee

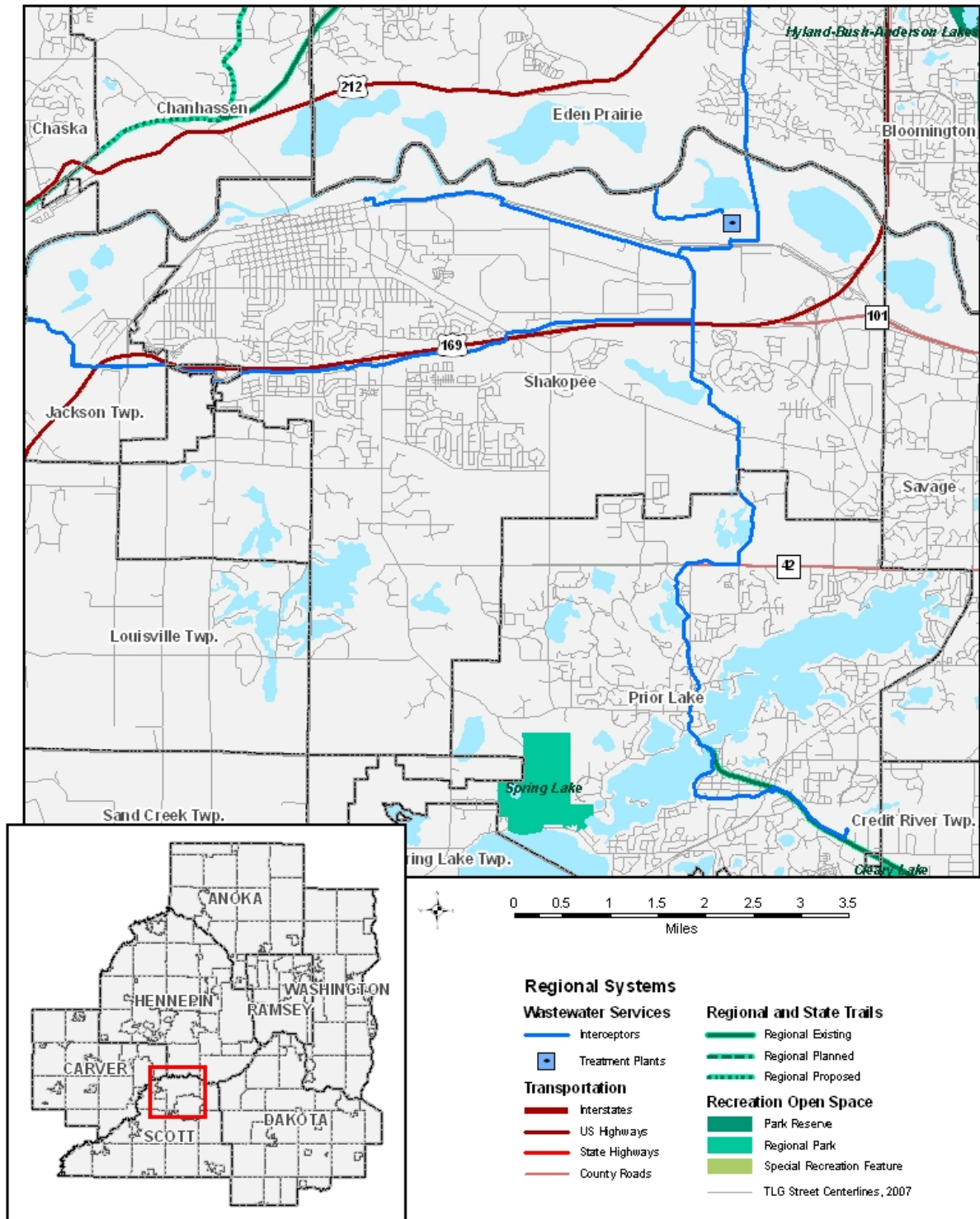
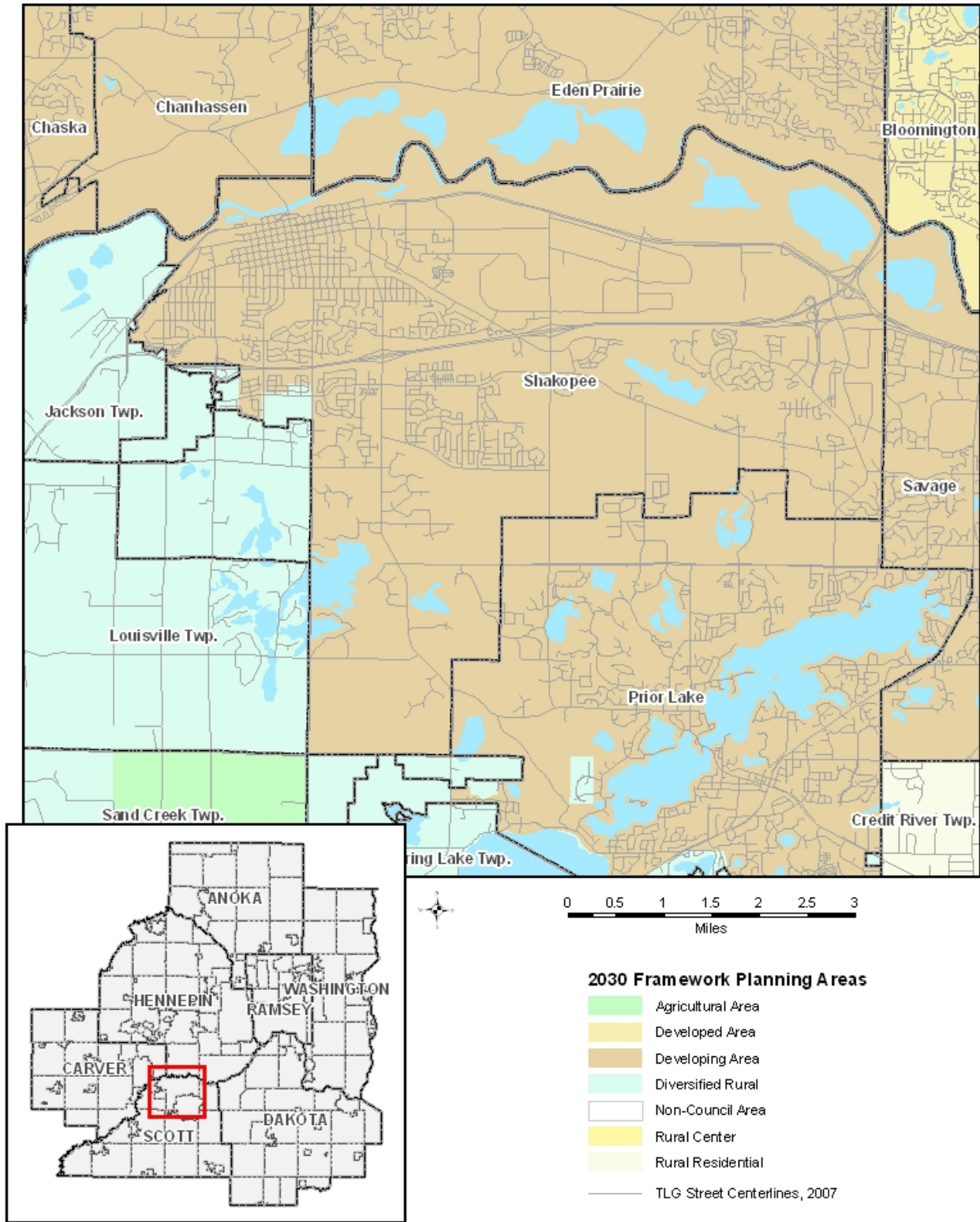


Figure 2. 2030 Regional Development Framework Planning Areas

Shakopee



Proposed Land Use 2030

