

C Community Development Committee
Meeting date: December 7, 2009

E Environment Committee
Meeting date: December 8, 2009

ADVISORY INFORMATION

Subject:	City of Apple Valley 2030 Comprehensive Plan Update Tier II Comprehensive Sewer Plan Review File No. 20591-1
District(s), Member(s):	District 8, Councilmember Wendy Wulff
Policy/Legal Reference:	Minnesota Statutes Section 473.175
Staff Prepared/Presented:	Patrick Boylan, AICP, Principal Reviewer (651-602-1438) Phyllis Hanson, Local Planning Assistance Manager (651-602-1566) Kyle Colvin, Engineering Services Asst. Manager (651-602-1151)
Division/Department:	Community Development / Planning and Growth Management Environmental Services/ Engineering Services

Proposed Action

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

Recommendation of the Community Development Committee:

1. Authorize the City of Apple Valley to put its 2030 Comprehensive Plan Update into effect;
2. Advise the City:
 - a. to participate in activities to monitor development and redevelopment; and,
 - b. address the advisory comments under the transportation and water sections in the Review Record.

Recommendation of the Environment Committee:

Approve the City of Apple Valley's Tier II Comprehensive Sewer Plan.

ADVISORY COMMENTS

City of Apple Valley 2030 Comprehensive Plan Update and Tier II Comprehensive Sewer Plan

Review File No. 20591-1 – Council Business Item No. 2009-442

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.

A copy of the City Council 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).

Environment Committee

1. The Council-approved Tier II Comprehensive Sewer Plan becomes effective only after the Update also receives final approval by the City's governing body. After the Update receives final approval by 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 Apple Valley (City) is located in northwest Dakota County, and is surrounded by Eagan, Rosemount, Empire Township, Lakeville, and Burnsville (Figure 1).

The *2030 Regional Development Framework* (RDF), as adopted by the Metropolitan Council (Council) in January 2004, identified Apple Valley as within the "Developed Community" geographic planning area (Figure 2).

The City submitted its 2030 Comprehensive Plan Update (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 Update conform to Regional Systems Plans?
2. Is the Update consistent with Metropolitan Council policies?
3. Is the Update 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. 2030 Regional Development Framework and Land Use | Yes |
| 4. Individual Sewage Treatment Systems (ISTS) Program | Yes |
| 5. 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 |
|--------------------------------|-----|

Known Support / Opposition

There is no known opposition.

REVIEW RECORD

City of Apple Valley 2030 Comprehensive Plan Update

STATUTORY AUTHORITY

The Metropolitan Land Planning Act (MLPA) requires local units of government to submit comprehensive 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

Parks and Trails

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

The Update conforms to the *2030 Regional Parks Policy Plan*. The regional parks system facilities in Apple Valley include Lebanon Hills Regional Park and the proposed Dakota County South Urban Regional Trail, which will connect Lebanon Hills Regional Park to Murphy Hanrehan Park Reserve and to regional trails in Scott County. The Update acknowledges these regional facilities and indicates that the City will work with Dakota County and the Metropolitan Council to establish regional trail corridors at appropriate locations.

Transportation

Roads and Transit

Reviewers: Elaine Koutsoukos, MTS – Systems Planning (651-602-1717), Kristin Thompson – Metro Transit (612-349-7782)

The Update conforms to the *2030 Transportation Policy Plan (TPP)* and addresses all the applicable transportation and transit requirements.

The four principal arterials within or adjacent to Apple Valley are: I-35E, TH 77, CSAH 23, and CSAH 42. There are no expansion plans for the metropolitan highways located within the city. The transportation chapter includes analysis of existing and future

transportation deficiencies and recommends improvements to the minor arterial, major and minor collectors, and local roadway networks. There is one transitway, Cedar Avenue, planned in the city and it is included in the plan.

The city 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. Regular route express and local transit service is provided by Minnesota Valley Transit Authority. Dial-a-ride service is provided by Dakota Areas Resources and Transportation for Seniors (DARTS).

Advisory Comments:

The Update contains a number of "Collector" roadways that are currently not on the TAB maps. To be included in the TAB functional classification map, the city will need to formally request their inclusion through the TAC-Planning Committee.

The Update includes an at grade "Cedar Green" area within a ¼ mile of the intersection of Highway 42 and Cedar Ave that is created by lowering the grade, with a lid added, that is not part of the Cedar Avenue Transit Plan.

Aviation

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

The Update conforms with 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 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 Metropolitan Council Environmental Services currently provides wastewater treatment services to the City. The majority of wastewater generated within the City is conveyed by Council Interceptors 3-LV-610, 9601, and 7203 with treatment at the Metropolitan Council's Empire Wastewater Treatment Plant in Empire Township. A smaller portion is conveyed by Council Interceptor 3-BV-35 and treated at the Seneca Wastewater Treatment Plant in Eagan. The Update projects that the City will have 27,500 sewer households and 22,000 sewer employees by 2030. The Metropolitan Disposal System with its planned 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 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 regular maintenance of the sanitary sewer system. The City has adopted an ordinance that prohibits discharging storm water or surface water into the

sanitary sewer system. The City should consider revising its ordinance to include ground water to the list of prohibited discharges.

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 its Plan 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 Vermillion River and Black Dog watersheds. The Vermillion River Joint Powers Board’s watershed management plan was approved by the Board of Water and Soil Resources (BWSR) in 2005. The Black Dog Watershed Management organization’s watershed management plan was approved by BWSR in 2002. The City prepared a Surface Water Management Plan (SWMP) in 2007 that was reviewed by Council staff under separate cover.

The 2007 SWMP was found to fulfill the Council’s requirements for local surface water management plans. Council staff found that the plan when implemented would provide a good framework for managing storm water in the City. The SWMP is consistent with Council policy and the Council’s *Water Resources Management Policy Plan*.

CONSISTENCY WITH COUNCIL POLICY

Forecasts

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

The Update’s forecasts are consistent with Council forecasts. See Table 1 below.

Table 1: Metropolitan Council forecasts for Apple Valley

	2000	2010	2020	2030
Population	45,527	61,700	69,100	71,200
Households	16,344	22,400	26,100	27,500
Employment	12,106	16,800	20,100	22,000

2030 Regional Development Framework and Land Use

Reviewer: Patrick Boylan, CD – Local Planning Assistance, (651-602-1438)

Regional Development Framework (RDF)

The Update identifies the City as a “Developed” community. The RDF directs Developed communities to renew and improve infrastructure, buildings, and land to provide for additional growth, particularly at centers along transit corridors; and to support

developments that integrate land uses. Developed communities are also expected to accommodate forecasted residential growth through reinvestment at appropriate densities, which is 5 units or more in developed areas and target higher density in locations with convenient access to transportation corridors and with adequate sewer capacity.

The Update is consistent with these policies. It establishes goals and objectives to encourage innovative concepts in new development or redevelopment that provide access to a variety of transportation systems, link life-cycle housing to employment and shopping opportunities, and protect natural resources and open space to encourage development within five key focus areas.

Existing and Future Land Use

The City is approximately 11,181 acres or approximately 17.5 square miles. In 2007, the City was developed with 4,531 acres in low density residential (40.5%), 442 acres in medium density residential (4%), 181 acres in high density residential (1.6%) and 1 acre in mixed use commercial and residential (<1%). In addition to this residential development the City had 524 acres of commercial land use (4.7%), 209 acres of industrial (1.9%,) and 493 acres of institutional use (4.4%). Park and open space comprised 1,553 acres (13.9%) as shown in Table 2 below.

	Existing Acres	% Total
Low Density Residential	4,531	40.5%
Medium Density Residential	442	4.0%
High Density Residential	181	1.6%
Mixed Use Primarily Residential	1	0.0%
Mixed Business Campus Residential	0	0.0%
Commercial	524	4.7%
Industrial	209	1.9%
Mixed Use Primarily C/I	0	0.0%
Mixed Business Campus C/I	0	0.0%
Sand & Gravel	569	5.1%
Institutional	493	4.4%
Parks and Recreation	1,553	13.9%
Private Recreation	0	0.0%
Wetlands	508	4.5%
Vacant	196	1.8%
Right-of-Way	1,974	17.7%
Total	11,181	100%

	2030 Acres	% Total
Low Density Residential	4,674	41.8%
Medium Density Residential	573	5.1%
High Density Residential	235	2.1%
Mixed Use Primarily Residential	41	0.4%
Mixed Business Campus Residential	51	0.5%
Commercial	544	4.9%
Industrial	273	2.4%
Mixed Use Primarily C/I	27	0.2%
Mixed Business Campus C/I	206	1.8%
Sand & Gravel	0	0.0%
Institutional	475	4.2%
Parks and Recreation	1,571	14.1%
Private Recreation	29	0.3%
Wetlands	508	4.5%
Vacant	0	0.0%
Right-of-Way	1,974	17.7%
Total	11,181	100%

The Update plans for a shift from commercial and sand gravel operations by 569 acres that includes high density residential use (54 acres), a mixed use category with a residential component (27 acres) and a business campus (206 acres) between 2010 and 2030.

The Update guides 143 additional acres for low density residential (3 to 6 units per acre), 131 acres for medium density residential (6 to 12 units per acre), 54 acres for high density residential (12 to 40 units per acre) shown in Table 3 above.

The future land use plan guides enough land to accommodate the additional 5,100 households for a total of 27,500 between 2010 and 2030.

The five planning focus areas reflect the City’s developed and mature character and identify the priorities for the next 20 years. The areas are:

- 1) The South Central Planning Area, a former gravel mining operation, which was planned for development in 2000. Development includes, but is not limited to, a 323 acre master planned neighborhood, over 200,000 square feet of retail development, a Minnesota Valley transit station and Quarry Park, a 38 acre athletic complex.
- 2) The downtown area, focused around Cedar Avenue and County Road 42, originally was developed with big box users that are now undergoing redevelopment due to a shift in market trends and the advent of neighboring commercial centers. The Update looks to the future of bus rapid transit and other transportation improvements as one strategy to help with supporting existing commercial uses in the downtown as well as for refocusing and redevelopment of this commercial center.
- 3) Transit corridors including planning for transit stations is a major planning and economic development focus. The Cedar Avenue Corridor will provide four stops for riders within the City and provide some positive land use opportunities.
- 4) Locating neighborhood service centers were part of the City’s 2020 planning process. In the 2030 Update the focus is on maintaining the quality of six of these centers. Designing these centers to be residential in character and include buffering are strategies described in the Update.
- 5) Maintaining and enhancing the quality of the existing neighborhoods throughout the community is the fifth focus of the Update.

Residential Density

The guiding for development and redevelopment between 2009 and 2030 results in a minimum net density of 6.96 units per acre, consistent with the Council’s policy for sewerer residential development in Developed communities (see Table 4).

It is recommended that the City participate in the Council’s development and redevelopment monitoring program.

Table 4. Density Calculation for Development and Redevelopment, 2010-2030

Category	Density Range			Max	
	Min	Max	Acres	Min Units	Units
Low Density Residential	3	6	139	417	834
Medium Density Residential	6	12	114	684	1368
High Density Residential	12	40	46	552	1840
Mixed Use Primarily Residential	12	40	34	408	1360
Mixed Bus. Campus Residential	12	35	51	612	1785
	TOTALS			2,673	7,187
	Planned Density			6.96	18.72

Housing

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

The Update fulfills the housing planning requirements of the Metropolitan Land Planning Act. The Update acknowledges the City's share of the region's affordable housing need for 2011-2020 which is 1,307 units. To provide opportunities to meet this need the Update indicates that approximately 73 acres of land is guided for medium density residential, at 6-12 units per acre, 84 acres for high density and mixed use primarily residential development, at 12-40 units per acre, and 14 acres for mixed business campus primarily residential development, at 20-35 units per acre.

The Update provides the implementation tools and programs the City will use to promote opportunities to address its share of the region's housing need. These include continuing to partner with the Dakota County Community Development Agency, availing itself of federal and state housing programs, working with builders and non-profit agencies, and making use of financial tools such as TIF, tax abatement and housing improvement areas to address affordable and lifecycle housing needs in the community. Apple Valley is an active participant in the Local Housing Incentives program of the Livable Communities Act, and has applied for and received over \$4 million in grants through the LCA program.

Individual Sewage Treatment Systems (ISTS) Program

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

The Update is consistent with the *Water Resources Management Policy Plan* for ISTS. It indicates there are approximately 64 ISTS in operation in the City. New ISTS are allowed in areas of the City where the municipal sanitary sewer system is unavailable. The City tracks and notifies ISTS owners of the need to pump their systems every three years. The City's program is 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 WRMPP.

Advisory Comment:

Encourage the City to continue to implement conservation programs targeted at reducing residential water use.

Resource Protection

Historic Preservation

Reviewer: Patrick Boylan, CD – Local Planning Assistance, (651-602-1438)

The Update contains a section on Historic Preservation (p. 4-9) as required by the MLPA.

Solar Access Protection

Reviewer: Patrick Boylan, CD – Local Planning Assistance, (651-602-1438)

The Update contains a section on Solar Access Protection as required by the MLPA.

Aggregate Resources Protection

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

The Update contains adequate information on aggregate resources protection as required by the MLPA. It identifies, consistent with *Minnesota Geological Survey Information Circular 46* information, the presence and location of significant aggregate resource deposits within the City. The City has a long history of aggregate mining, and all remaining aggregate resources are subject to active mining, which is anticipated to be completed by 2030.

PLAN IMPLEMENTATION

Reviewer: Patrick Boylan, CD – Local Planning Assistance, (651-602-1438)

The Update includes a description of:

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

The Update contains a description of zoning categories, a CIP summary and a description of the City's implementation tools. These tools include zoning and subdivision ordinances, Uniform Building Code, and the Storm Water Facilities, Sanitary Sewer, Water and the Sanitary Sewer Agreement between the City and Burnsville. The Update also contains summaries of key transportation and redevelopment projects.

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

The City submitted the 2030 Comprehensive Plan Update to adjacent local units of government, school districts, counties and special districts for comment in April 2009. Two responses were received: Dakota County and the City of Burnsville.

Dakota County's response contained supportive comments only. In the letter from Burnsville, the City stated a desire to work jointly with Apple Valley on flood plain issues and in the development of county-wide "greenway" system development.

No compatibility issues were raised within either letter.

DOCUMENTS SUBMITTED FOR REVIEW:

- City of Apple Valley 2030 Comprehensive Plan, dated May 29, 2009
- Comprehensive Plan Transmittal form
- Supplemental Information for Housing, ISTS, Land use, Sewers, Forecasts, and Parks received October 9, 2009.
- Supplemental Information for Land Use, received November 5,
- 2009 Supplemental Information for Land Use, received November 20, 2009

ATTACHMENTS

- Figure 1: Location Map Showing Regional Systems
- Figure 2: 2030 Regional Development Framework Planning Areas
- Figure 3: Existing Land Use
- Figure 4: 2030 Planned Land Use
- Figure 5: 5-Year Land Use Staging Table

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Figure 1. Location Map Showing Regional Systems

Apple Valley

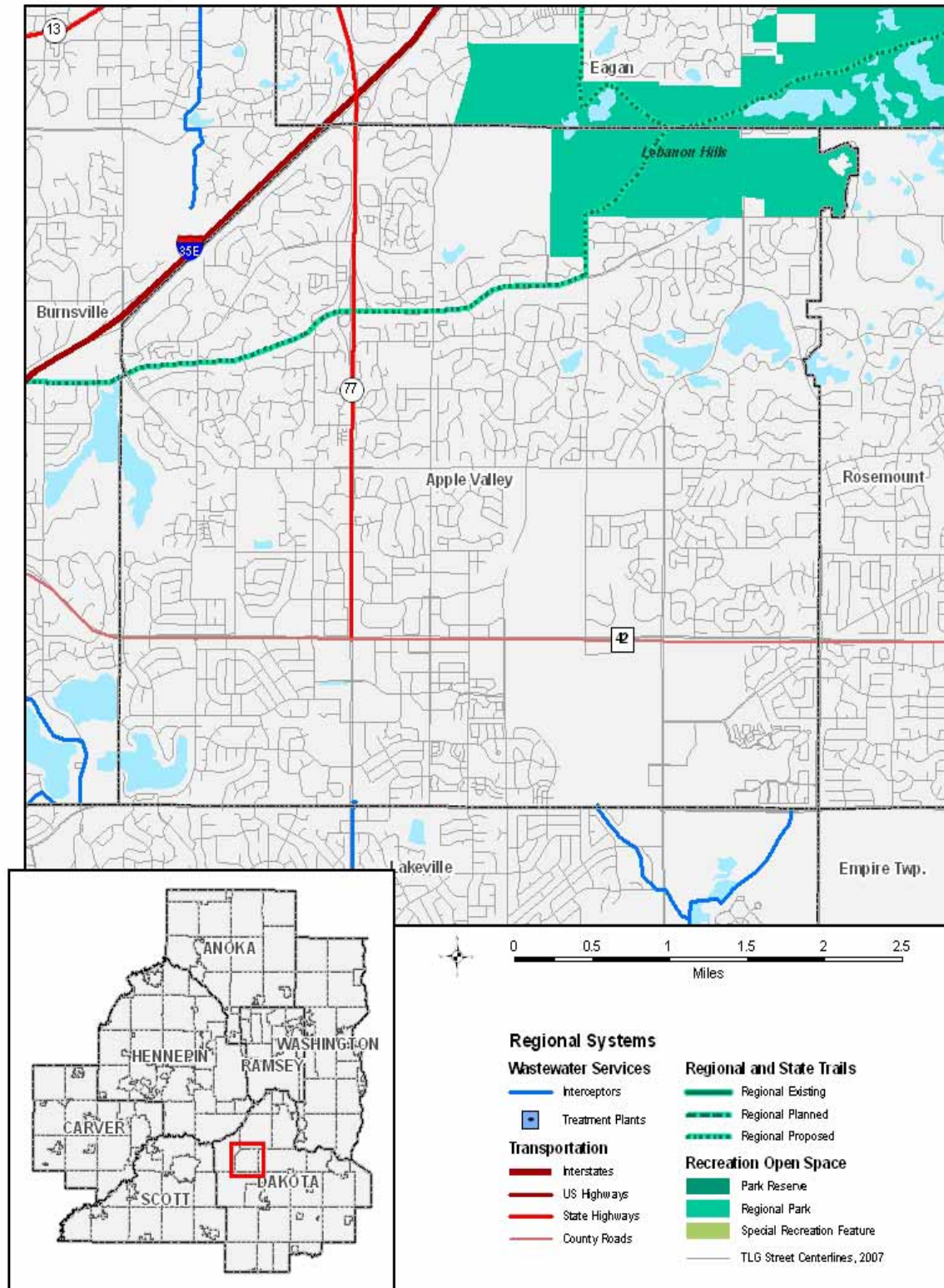


Figure 2. 2030 Regional Development Framework Planning Areas

Apple Valley

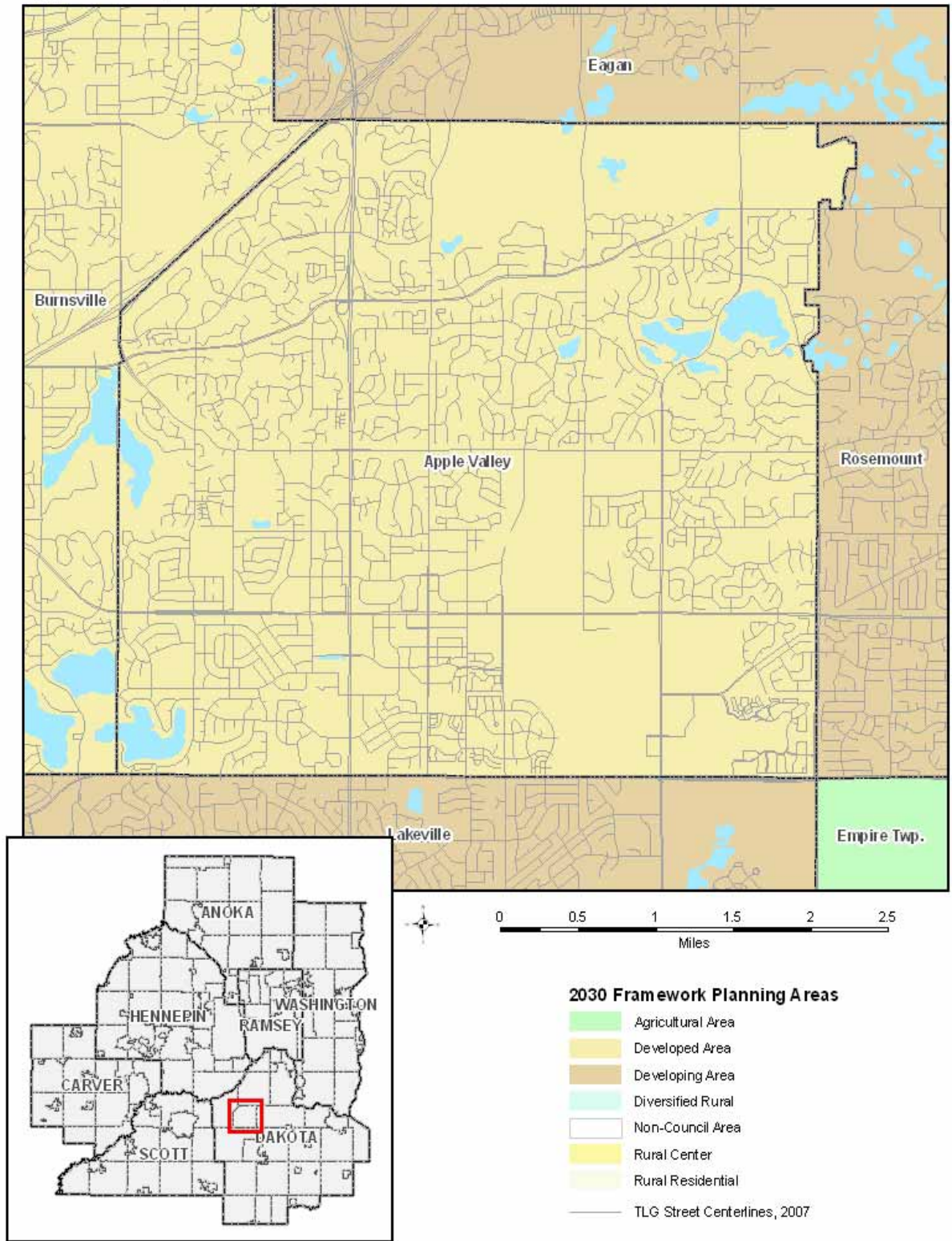


Figure 3. Existing Land Use
City of Apple Valley

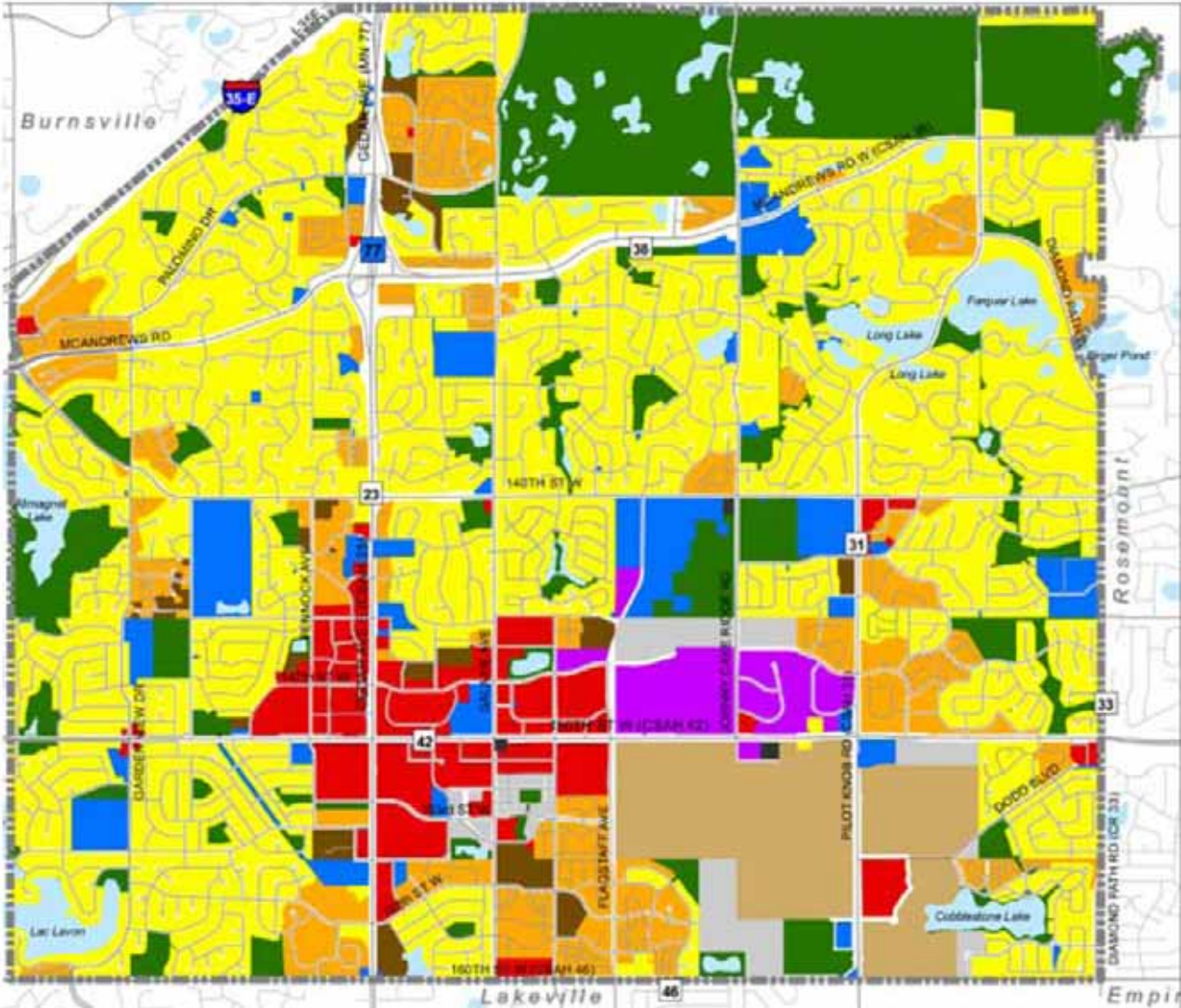


Figure 4. 2030 Planned Land Use
 City of Apple Valley

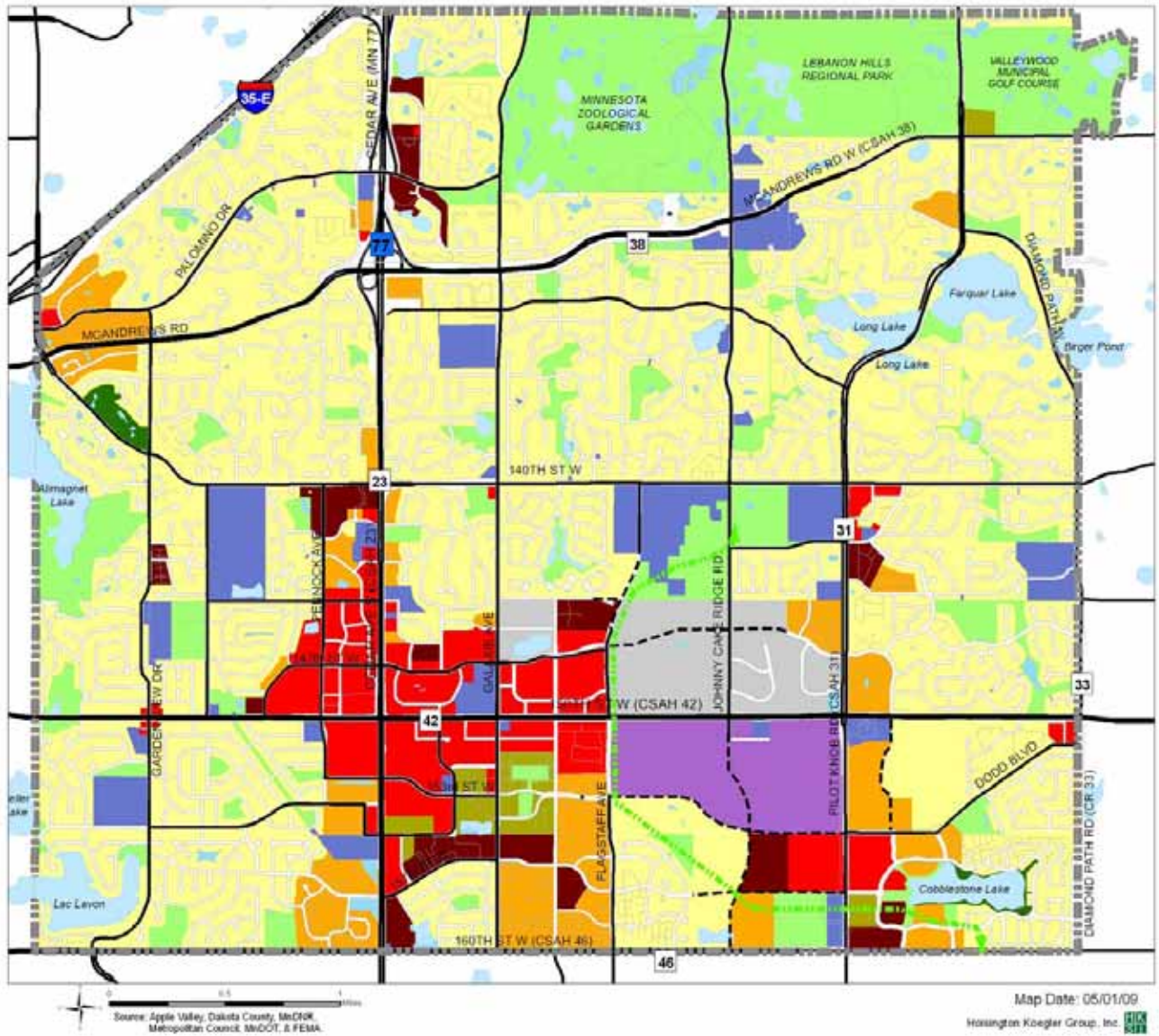


Figure 5. Land Use Table in 5-Year Stages

Existing and Planned Land Use Table (in acres)

Within Urban Service Area	Allowed Density Range Housing Units/Acre		Existing (2000)	2010	2015	2020	2025	2030	Change 2000-2030
	Minimum	Maximum							
Residential Land Uses			5,155	5,190	5,341	5,495	5,543	5,574	419
Low Density Residential	3	6	4,531	4,535	4,581	4,636	4,648	4,674	143
Medium Density Residential*	6	12	442	459	495	532	568	573	131
High Density Residential	12	40	181	189	235	235	235	235	54
Mixed Use Primarily Residential**	12	40	1	7	30	41	41	41	40
Mixed Business Campus Residential***	12	35	0	0	0	51	51	51	51
C/I Land Uses	Est. Employees/Acre		1,302	1,275	1,195	1,235	1,045	1,050	-252
Commercial	33		524	529	544	544	544	544	20
Industrial	10		209	209	255	273	273	273	64
Mixed Use Primarily C/I**	33		0	3	7	17	22	27	27
Mixed Business Campus C/I***	33		0	0	0	206	206	206	206
Sand & Gravel****	--		569	534	389	195	0	0	-569
Public/Semi Public Land Uses			2,046	2,059	2,069	2,075	2,075	2,075	29
Institutional			493	475	475	475	475	475	-18
Parks and Recreation			1,553	1,555	1,565	1,571	1,571	1,571	18
Private Recreation*****			0	29	29	29	29	29	29
Subtotal Sewered			8,503	8,524	8,605	8,805	8,663	8,699	196
Undeveloped									
Wetlands	--	--	508	508	508	508	508	508	0
Vacant			196	175	94	36	36	0	-196
ROW	--	--	1,974	1,974	1,974	1,974	1,974	1,974	0
Total			11,181	11,181	11,181	11,323	11,181	11,181	0

Source: Apple Valley Comprehensive Plan, Table 4.2, p. 4-26