

C Community Development Committee
Meeting date: January 19, 2010

E Environment Committee
Meeting date: January 12, 2010

ADVISORY INFORMATION

Subject:	City of Deephaven 2030 Comprehensive Plan Update Review File No. 20552-1 Tier II Comprehensive Sewer Plan
District(s), Member(s):	District 3, Councilmember Bob McFarlin
Policy/Legal Reference:	Minnesota Statute Section 473.175
Staff	James P. Uttley, Principal Reviewer (651-602-1361)
Prepared/Presented:	Phyllis Hanson, Manager, Local Planning Assistance (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:

Recommendations of the Community Development Committee

1. Authorize the City of Deephaven to put its 2008 Comprehensive Plan Update into effect without any plan modifications.
2. Adopt the advisory comments for transportation and surface water management presented in those sections of the review record.
3. Advise the City of Deephaven to participate in the Council's Redevelopment Monitoring program.
4. Accept the revised forecasts as shown in Table 1 of this report.

Recommendations of the Environment Committee:

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

ADVISORY COMMENTS

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

Review File No. 20552-1 - Council Business Item No. 2010-16

The following Advisory Comments are part of the Council action authorizing the City to implement its 2008 Comprehensive Plan Update ("Update") and approving the City's Tier II Comprehensive Sewer Plan:

Community Development Committee

1. The City is reminded that Minnesota Statutes 473.864 requires the City to:
 - (a) Formally adopt the Update within nine months following Council action
 - (b) Submit two copies to the Council, and
 - (c) Submit a copy of the City Council Resolution adopting the Update following final action to the Metropolitan Council.
2. 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).
3. 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 after the Update receives final approval by the City Council. After the Tier II Sewer Plan becomes effective, the City may alter, expand or improve its sewage disposal system consistent with the Council-approved Tier II Sewer Plan and the Update.
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 Deephaven (City) is located in central Hennepin County, bounded by Greenwood, Minnetonka, Shorewood and Woodland. Figure 1 shows the general location of Deephaven and surrounding communities on the east side of Lake Minnetonka, and the City's 2030 Regional Development Framework (RDF) designation, which identifies Deephaven as a "developed" community. The RDF says that developed communities should "accommodate growth forecasts through reinvestment at appropriate densities (5 units plus in developed areas and target higher density in locations with convenient access to transportation corridors and with adequate sewer capacity)." Figure 2 shows existing and planned regional systems in Deephaven and the surrounding area.

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. 2008 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 |
|--------------------------------|-----|

Funding

None

Known Support / Opposition

There is no known opposition.

REVIEW RECORD

Review of the City of Deephaven 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

Parks and Trails

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

The Update is in conformance with the *2030 Regional Parks Policy Plan (RPPP)*. The Update acknowledges the Lake Minnetonka LRT Regional Trail.

Transportation

Roads and Transit

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

The Update is in conformance with the Council's *2004 Transportation Policy Plan (TPP)* and addresses all the applicable transportation and transit requirements of a comprehensive plan

There are no principal arterials within the city of Deephaven. Deephaven is in the Metropolitan Transit Taxing district and lies within Transit Market Area III. Service options for cities within Market Area III include peak-only express, small vehicle circulators, midday circulators, special needs paratransit (ADA, seniors) and ridesharing.

Advisory Comments

The following are minor corrections.

- TAZ Allocation. The TAZ-allocation table on page 47 should sum to the city's forecasted totals as identified in Table 1-2 on Page 9; however the differences are not significant.
- On page 5, under the M section of "attachments" the correct Transit Route numbers are 671 and 667, not 670 and 671.

Aviation

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

The Update is in conformance with the TPP and consistent with Council aviation 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 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.

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 Council's Blue Lake Wastewater Treatment Plant in Shakopee. The City is provided wastewater conveyance service through interceptors 7073 and 6-DH-645. The Update projects that the City will have 1,450 sewered households and 750 sewered 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 10-year increments. The rationale, for the projections, is given in the Update and determined appropriate for planning for local services.

Deephaven 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 monitoring I/I in the sanitary sewer system and also maintaining and repairing manholes. The City has enacted a sump pump inspection ordinance.

Tier II Comments

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

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 (651-602-1056)

The Update is in conformance with the WRMPP for local surface water management. The City of Deephaven is in the Minnehaha Creek and Riley Purgatory Bluff Creek watersheds. Minnehaha Creek Watershed District's most recent watershed plan was approved by the Board of Water and Soil Resources (BWSR) in 2007. The Riley Purgatory Bluff Creek Watershed District watershed plan was approved by BWSR in 1997.

Deephaven prepared a Surface Water Management Plan (SWMP) that was reviewed under separate cover in 2008. The plan was revised based on Council and watershed comments. The revised SWMP was found to be consistent with the Council policy and the Council's Water Resource Management Policy Plan.

Advisory Comment

The City needs to send the Council the dates the Watershed Districts approved the SWMP.

CONSISTENCY WITH COUNCIL POLICY

Forecasts

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

The Update is consistent with Council's forecast expectations and consistent with regional policy. Deephaven is now fully developed and lacks remaining developable land. The Update includes a City-requested revision of households, population and employment forecasts. In December 2007, Council staff agreed to recommend the following forecast revisions to the Council. The Council's forecasts will be officially revised, as shown below, effective upon Council action on the Plan Update. The table below shows the revised forecasts, as well as the Council's original forecasts for Deephaven.

Table 1 – Comparison of Council's System Statement and Revised Forecasts

	Census	Previous Council Forecasts			Revised Council Forecasts		
	2000	2010	2020	2030	2010	2020	2030
Population	3,853	3,900	3,900	3,900	3,900	3,900	3,900
Households	1,373	1,450	1,500	1,500	1,450	1,450	1,450
Employment	1,021	1,000	1,100	1,200	750	750	750

2008 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), which identifies the City as a Developed community. The RDF 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 support developments that integrate land uses. In addition, Developed communities are expected to accommodate forecasted residential growth at densities of at least 5 units per acre.

The Update contains policies to maintain existing neighborhoods, supplement residential uses with housing diversity, and upgrade existing commercial nodes in the community.

As a lakeshore community on Lake Minnetonka, open water accounts for about 40% of the City's total area (Table 2). Single family residential uses make up about 50% of the City's area, with the remaining 10% divided among commercial, industrial, park, and undeveloped uses. The City has identified 70 acres of land as undeveloped. These areas are unavailable for development as they have sensitive natural features (wetlands) protected by ordinance or are set aside for park or open space uses.

Table 2 - Existing Land Use

Land Use Category	Acres	% of Total
Seasonal/Vacation	2	0.1%
Single Family Detached	1233	49.3%
Single Family Attached	3	0.1%
Retail and Other Commercial	21	0.8%
Industrial and Utility	2	0.1%
Institutional	55	2.2%
Park, Recreation, or Preserve	91	3.6%
Major Highway	3	0.1%
Undeveloped	70	2.8%
Total Land Area	1480	59.2%
Water	1019	40.8%
TOTAL AREA	2499	100%

As a fully developed community, the City is not forecasted to accommodate residential growth during the 2030 planning horizon. As such, the land use guiding is intended to maintain existing neighborhoods and uses (Table 3). The Update, however, has also identified the potential for land currently guided for Institutional uses to accommodate future housing. This area encompasses 11 acres of land in the northeastern portion of the City adjacent to the St. Therese Church. The Update guides this land as Residential PUD – Medium Density, with a density range of 6 to 8 units per acre. The Update further indicates that the City will continue to investigate means for accommodating the development of attached housing on this property through a planned unit development ordinance that allows higher densities.

Table 3 - 2030 Land Use

Land Use Category	Acres	% of Total
Residential - Low Density	225	9.0%
Residential - Medium/Low Density	687	27.5%
Residential - Medium Density	382	15.3%
Residential PUD - Medium/Low Density	11	0.4%
Limited Commercial	20	0.8%
Public/Semi-Public	39	1.6%
Park	109	4.4%
Major Highway	3	0.1%
Total Land Area	1476	59.1%
Water	1023	40.9%
TOTAL AREA	2499	100%

The City is focused on reinvestment and enhancing existing facilities and development. With a limited land supply, the City expects increasing pressure for re-subdivision in existing neighborhoods, with lot splits and rebuilding of existing homes. The Update identifies three commercial areas that the City intends to focus its efforts in maintaining and enhancing, including establishing design guidelines, phasing out non-conforming uses, exploring tax increment financing and other redevelopment tools, and exploring shared parking options. The City of Deephaven is recommended to participate in the Council’s Redevelopment Monitoring program.

Housing

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

The housing element fulfills the affordable housing planning requirements of the MLPA. Deephaven is a community that does not have a numerical share of the regional need of affordable housing. The Update provides an assessment of the housing stock, and provides goals and policies the city will use to address its local housing needs. The Update describes the tools that the community will use to accomplish these goals including participating in programs through Hennepin County, Minnesota Housing and other agencies to address lifecycle and affordable housing needs. The city also participates in the Lake Minnetonka Area Cooperating Cities (LMACC) organization to address housing related needs of the Lake Minnetonka sub-region and common housing issues identified within individual communities.

Individual Sewage Treatment Systems (ISTS) Program

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

The Update is consistent with the WRMP for ISTS. The entire City is served by a local sanitary sewer collection system. Flow is conveyed by metropolitan interceptor to the Blue Lake wastewater treatment facility in Shakopee for treatment. There are no ISTS remaining in operation in the City.

Water Supply

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

Deephaven does not own or operate a water supply system and is therefore not required to complete a water supply plan. A portion of the community is served by the City of Minnetonka on a retail basis, while the remainder of the community relies on private wells for drinking water supply.

Resource Protection

Historic Preservation

Reviewer: Jim Uttley, CD – Local Planning Assistance, (651-602-1319)

The Update contains a section on Historic Preservation as required by the MLPA.

Solar Access Protection

Reviewer: Jim Uttley, CD – Local Planning Assistance, (651-602-1319)

The Update addresses the subject of solar access protection as required by the MLPA.

Aggregate Resources Protection

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

The Update indicates that there are no significant aggregate resource deposits in the community. This information is consistent with the Council’s aggregate resources inventory, which indicates only trace deposits within the community and additionally, the community is fully developed.

Plan Implementation

Reviewer: Jim Uttley, CD – Local Planning Assistance, (651-602-1361)

The Update includes a description of:

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

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 July 2008. There do not appear to be any compatibility issues with plans of adjacent governmental units and plans of affected special districts and school districts.

DOCUMENTS SUBMITTED FOR REVIEW:

The submittal is 546 pages and included:

- Deephaven 2030 Comprehensive Plan Update
- Deephaven Surface Water Management Plan
- Deephaven Address Map)
- Deephaven City Owned Properties Map
- Deephaven Existing Land Use Plan Map
- Deephaven Functional Class Roads Map
- Deephaven Future Land Use Plan Map
- Deephaven Parks & Open Space Beaches & Trails Map
- Deephaven Sanitary Sewer Map
- Deephaven Street Map
- Deephaven Wetlands, Drainage and Shoreland Map

- Deephaven Zoning Map
- Deephaven 2030 Comprehensive Plan Update, Revised submittal on 9/2/09
- Deephaven 2030 Comprehensive Plan Update, Revised submittal on 10/21/09
- Deephaven Surface Water Management Plan, Revised submittal on 11/17/09
- Deephaven 2030 Comprehensive Plan Update, Revised submittal on 12/9/09

ATTACHMENTS

Figure 1 - Location Map with 2008 Regional Development Framework Planning Areas

Figure 2 - Regional Systems

Figure 3 - Existing Land Use Map

Figure 4 - Proposed Land Use Plan

Table 4 - Existing and Planned Land Use Table in 5-year Stages

Figure 1 - Location Map and 2008 Regional Development Framework Planning Area, City of Deephaven

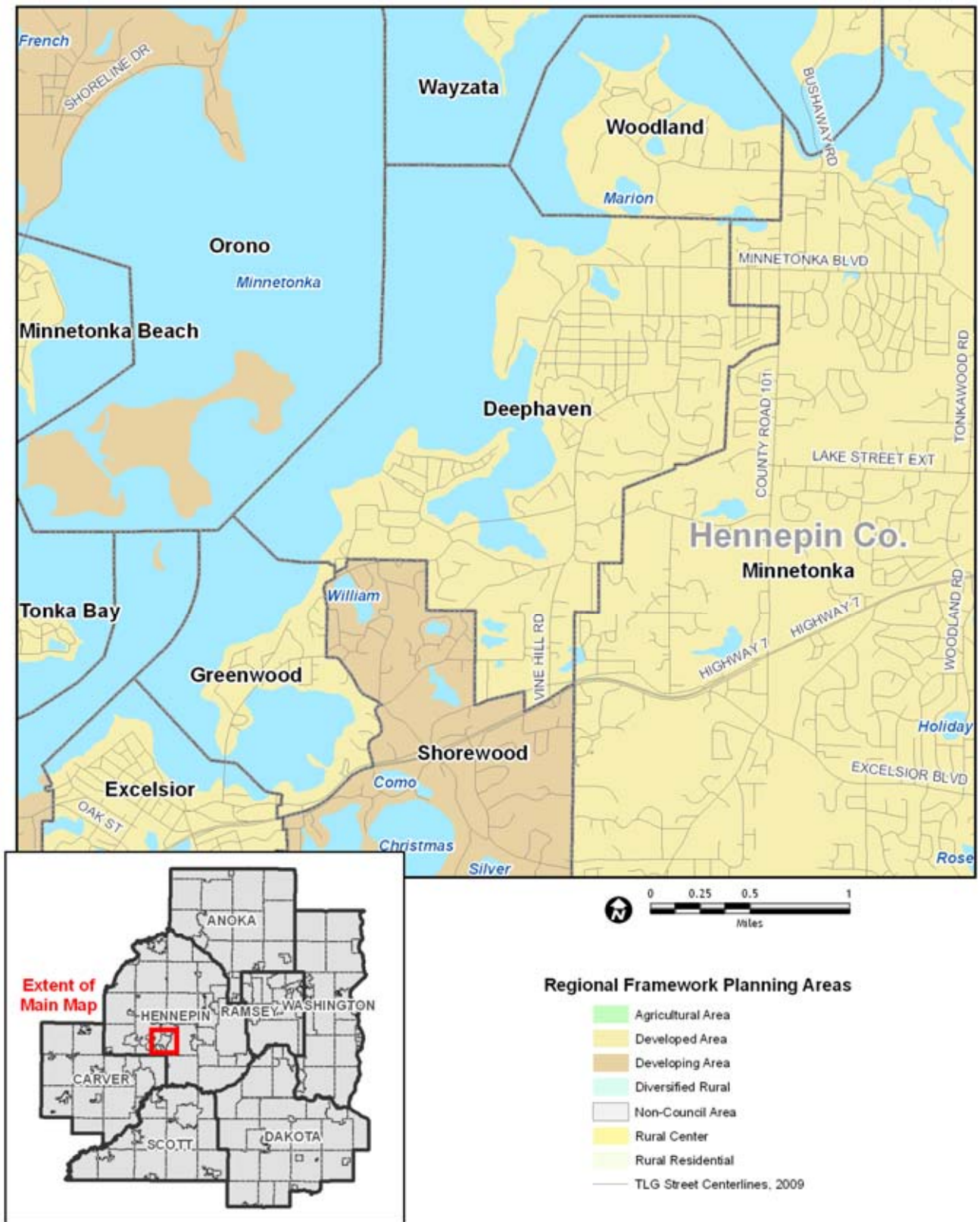


Figure 2 - Regional Systems, City of Deephaven

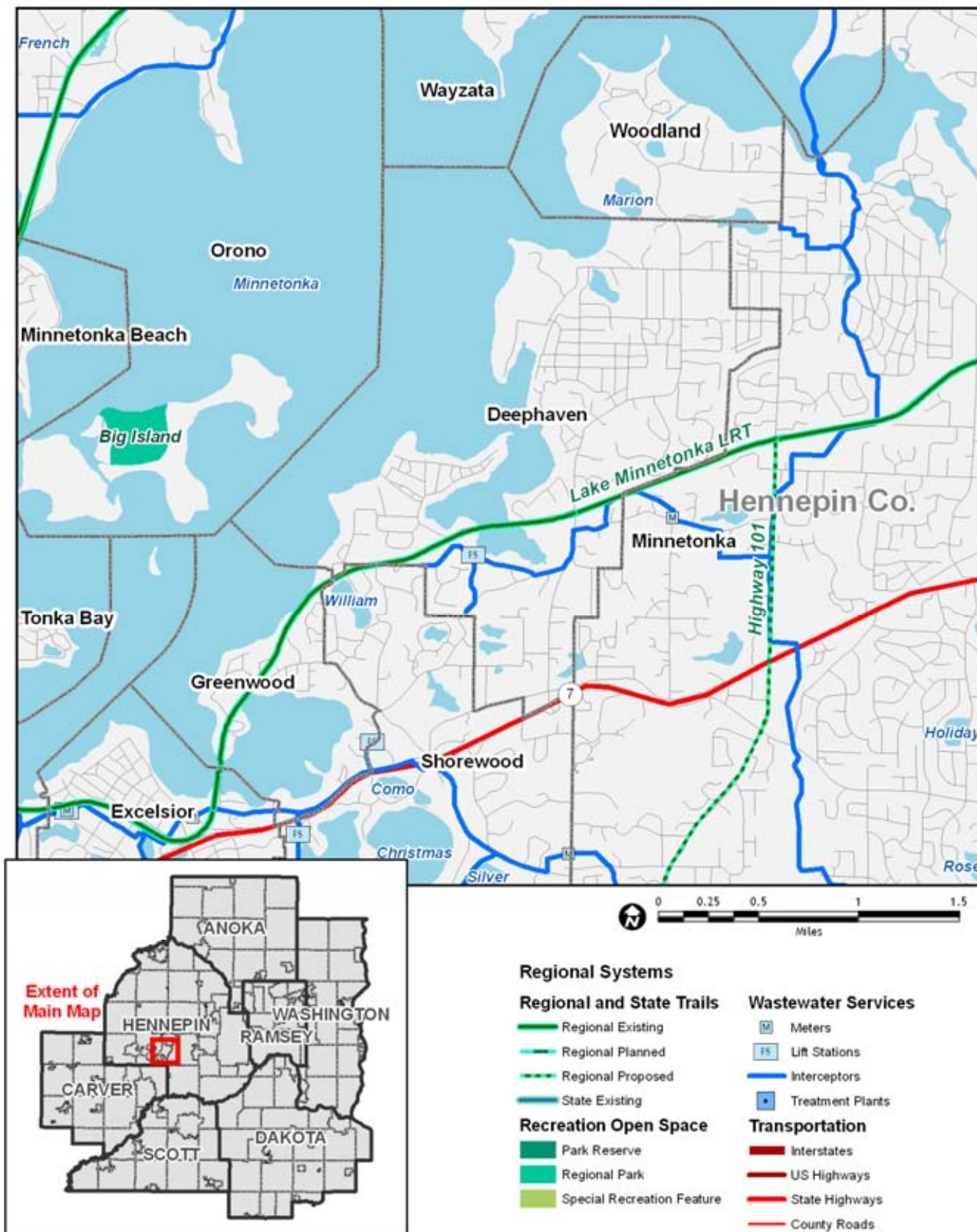
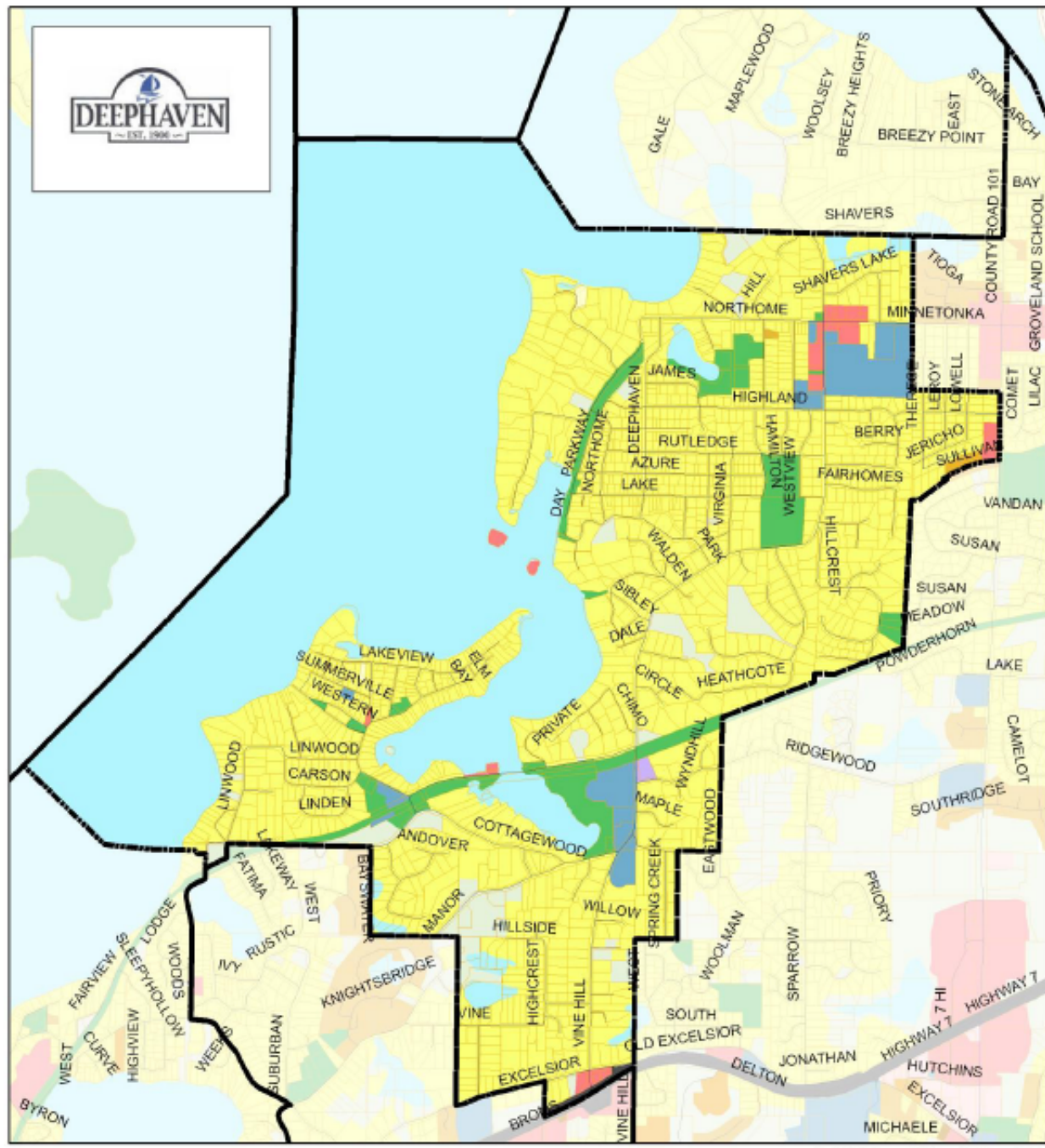


Figure 3 - Existing Land Use, City of Deephaven



Source: City of Deephaven, Metropolitan Council



Existing Land Use		
 Single Family Detached	 Retail and Other Commercial	 Park, Recreational or Preserve
 Single Family Attached	 Industrial and Utility	 Major Highway
 Seasonal/Vacation	 Institutional	 Undeveloped
		 Water



Figure 4 - Proposed Land Use Plan, City of Deephaven

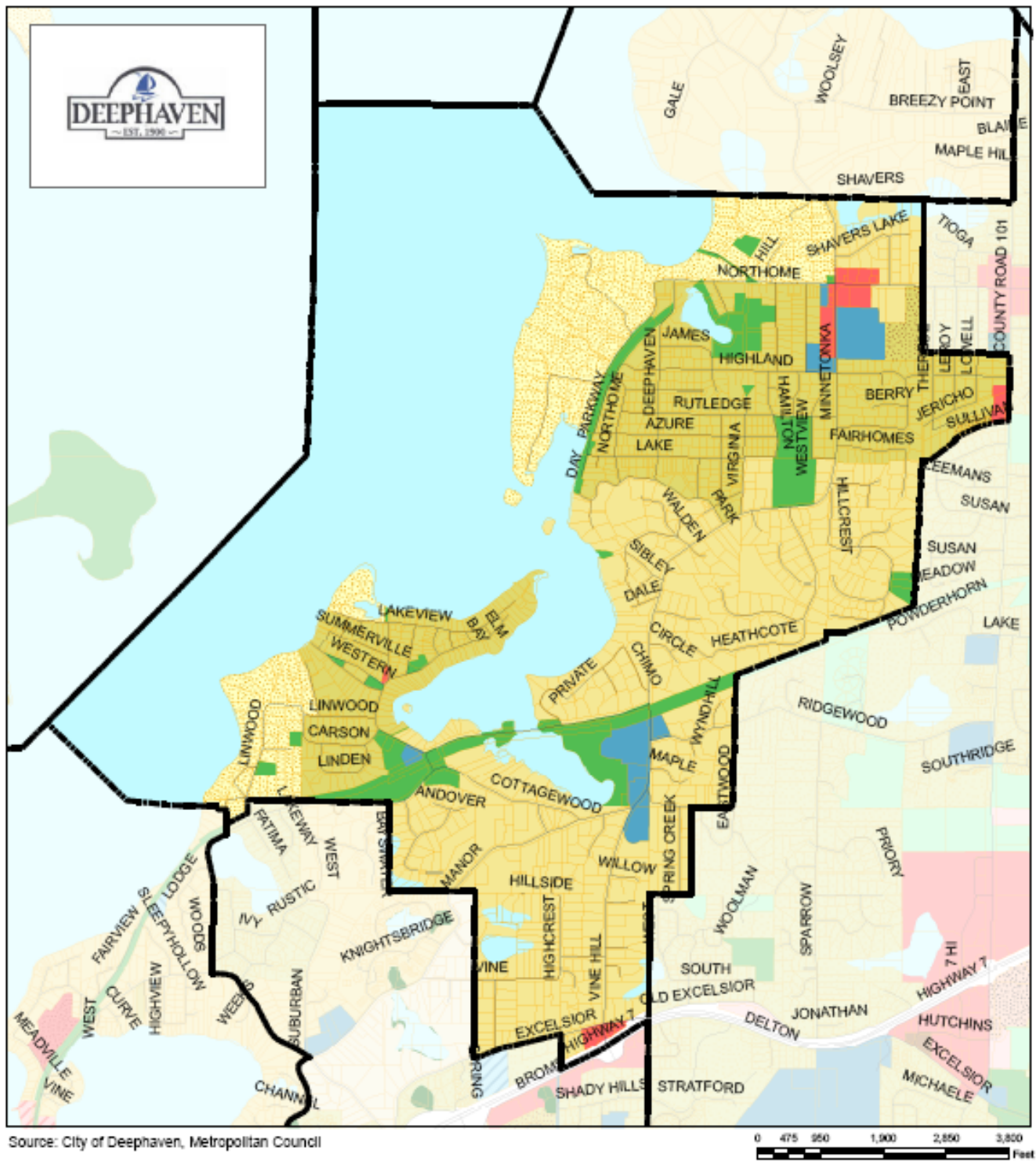


Table 4 - City of Deephaven Land Use in 5-Year Stages

Sewered Area	Allowed Density Range Housing Units/Acre		Existing (2000)	2010	2015	2020	2025	2030	Change 2000-2030
	Minimum	Maximum							
Residential									
Low Density Residential - 80,000 s.f. lots	.75	.75	148	148	148	148	148	148	0
Medium Low Density Residential – 40,000 s.f. lots	1	1	593	593	593	593	593	593	0
Medium Density Residential – 20,000 s.f. lots	2	2	445	442	436	436	436	436	-9
Medium Density Residential – Planned Unit Developments	8	8	0	3	9	9	9	9	+9
C/I Land Uses	Est. Employees/Acre								
Commercial	75		13	13	13	13	13	13	0
Industrial	0		0	0	0	0	0	0	0
Public/Semi Public Land									
Institutional			0	0	0	0	0	0	0
Parks and Rec./ Open Space			77	77	77	77	77	77	0
Roadway Rights of Way			219	219	219	219	219	219	0
Railroad			0	0	0	0	0	0	0
Airport			0	0	0	0	0	0	0
Subtotal Sewered			1,199	1,199	1,199	1,199	1,199	1,199	0
Unsewered Area	Minimum lot size	Maximum lot size	Existing (2000)	2010	2015	2020	2025	2030	Change 2000-2030
Low Density Residential (20,000 to 80,000 s.f. lots)	0	0	0	0	0	0	0	0	0
Medium Density Residential – Planned Unit Developments	0	0	0	0	0	0	0	0	0
Commercial	0	0	0	0	0	0	0	0	0
Subtotal Unsewered			0	0	0	0	0	0	0
Undeveloped									
Wetlands			220	220	220	220	220	220	0
Open Water, (Mtka, Marion & Shavers Lake) Rivers & Streams			992	992	992	992	992	992	0
Total			2,411	2,411	2,411	2,411	2,411	2,411	0