

### Community Development Committee

For the Metropolitan Council meeting of January 8, 2020

**Subject:** City of Eden Prairie 10197 Eden Prairie Road Comprehensive Plan Amendment, Review File No. 21978-2

#### Proposed Action

1. Adopt the attached Review Record and allow the City of Eden Prairie to place the 10197 Eden Prairie Road Comprehensive Plan Amendments into effect.
2. Find that the amendment is inconsistent with Natural Resource policies in *Thrive MSP 2040*, and that urbanization of the parcel is inadvisable. Urbanization at even low residential densities can result in the permanent loss of the site's existing diverse ecological integrity with the process of grading for buildable homesite(s), provision of necessary support infrastructure, and the inevitable introduction of invasive vegetative species into the area.
3. Strongly encourage the City to:
  - a. Reconsider the development of this property due to the limited development capacity and the potential for environmental degradation on and adjacent to the site.
  - b. Complete further analysis to determine the level of development that is suitable for the site including environmental review, steep slopes, bluffs, tree removal and replacement, cultural/archeological studies, and shoreland and floodplain information.
  - c. Collaborate with the U.S. Fish and Wildlife Service, and other entities that consider the overall environmental and aesthetic conditions of the Refuge and its surroundings.
4. Advise the City to implement the additional advisory comments in the Review Record for Natural Resources.

#### Summary of Committee Discussion/Questions

Senior Planner Michael Larson presented the staff's report to the Committee. No representatives from the City of Eden Prairie were in attendance. Councilmember Johnson asked questions related to the role and authority of the Council related to natural resources. Larson elaborated on the Council's role and authority versus that of other planning and regulatory agencies, including the City. He further stated that the feasibility and extent of home construction on the amendment site, and in surrounding area, were not yet determined. Councilmember Atlas-Ingebretson questioned the effectiveness of the Council's natural resources policies given the extent of the Council's authority. Councilmember Wulff reiterated the City's role to regulate and/or acquire property.

The Community Development Committee approved the proposed action with six ayes and one abstention at its meeting on December 16, 2019.

## Community Development Committee

Meeting date: December 16, 2019

For the Metropolitan Council meeting of January 8, 2020

**Subject:** City of Eden Prairie 10197 Eden Prairie Road Comprehensive Plan Amendment, Review File No. 21978-2

**District(s), Member(s):** District 3, Christopher Ferguson

**Policy/Legal Reference:** Metropolitan Land Planning Act (Minn. Stat. § 473.175)

**Staff Prepared/Presented:** Michael Larson, Senior Planner, Local Planning Assistance (651-602-1407)

**Division/Department:** Community Development / Regional Planning

### Proposed Action

That the Metropolitan Council:

1. Adopt the attached Review Record and allow the City of Eden Prairie to place the 10197 Eden Prairie Road Comprehensive Plan Amendments into effect.
2. Find that the amendment is inconsistent with Natural Resource policies in *Thrive MSP 2040*, and that urbanization of the parcel is inadvisable. Urbanization at even low residential densities can result in the permanent loss of the site's existing diverse ecological integrity with the process of grading for buildable homesite(s), provision of necessary support infrastructure, and the inevitable introduction of invasive vegetative species into the area.
3. Strongly encourage the City to:
  - a. Reconsider the development of this property due to the limited development capacity and the potential for environmental degradation on and adjacent to the site.
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  - c. Collaborate with the U.S. Fish and Wildlife Service, and other entities that consider the overall environmental and aesthetic conditions of the Refuge and its surroundings.
4. Advise the City to implement the additional advisory comments in the Review Record for Natural Resources.

### Background

The proposed amendment reguides a 1.05-acre parcel from Rural to Low Density Residential and incorporates it into the wastewater sewer service area. The parcel is located northeast of and adjacent to the intersection of Eden Prairie Road and Flying Cloud Drive (County Road 61). It is also directly north of the Minnesota Valley National Wildlife Refuge. The amendment is associated with a proposal for a single-family home.

The amendment is similar in nature to the Notermann Residential Development Comprehensive Plan Amendment and Peterson Residential Development Comprehensive Plan Amendment ([Business Item 2019-21](#)), which were reviewed concurrently by the Council on February 13, 2019.

## **Rationale**

The proposed amendment conforms to regional system plans, is consistent with Council policies except for Natural Resources, and is compatible with the plans of other local communities and school districts. The proposed amendments are not consistent with the 2004 Minnesota Valley National Wildlife Refuge Comprehensive Conservation Plan, nor its predecessor, the Minnesota Valley National Wildlife Refuge, Recreation Area and State Trail Comprehensive Plan (1983).

## **Thrive Lens Analysis**

The proposed amendment is reviewed against the land use policies in *Thrive MSP 2040*. To achieve the outcomes identified in Thrive, the metropolitan development guide defines the Land Use Policy for the region and includes strategies for local governments and the Council to implement. These policies and strategies are interrelated and, taken together, serve to achieve the outcomes identified in Thrive. As noted above, this amendment is inconsistent with the Council's Natural Resources policy and therefore does not help to achieve the Thrive outcomes of Stewardship and Sustainability.

## **Funding**

None.

## **Known Support / Opposition**

There is no known local resident or local government opposition to this proposal.

# Review Record

*City of Eden Prairie*  
*10197 Eden Prairie Road Comprehensive Plan Amendment*  
*Comprehensive Plan Amendments*

Review File No. 21978-2, Council Business Item No. 2019-363

## BACKGROUND

The City of Eden Prairie (City) is located in southwestern Hennepin County, bounded by the cities of Minnetonka, Edina, and Bloomington in Hennepin County; Chanhassen in Carver County; and Shakopee in Scott County.

*Thrive MSP 2040* (Thrive) designates Eden Prairie with a “Suburban” community designation. Figure 1 shows the general location of Eden Prairie and nearby communities, and the Council’s *Thrive MSP 2040* Community Designation. Thrive forecasts for 2040 are 82,400 population, 33,300 households, and 72,500 jobs.

The Council reviewed the City’s 2040 Comprehensive Plan ([Business Item 2019-214 JT](#)), Review File No. 21978-1) on August 28, 2019. This is the first amendment since the review of the 2040 Plan.

## REQUEST SUMMARY

The proposed amendment reguides a 1.05-acre parcel from Rural to Low Density Residential and incorporates it into the wastewater sewer service area. The parcel is located northwest of and adjacent to the intersection of Eden Prairie Road and Flying Cloud Drive (County Road 61). It is also directly north of the Minnesota Valley National Wildlife Refuge. The amendment is associated with a proposal for a single-family home.

The amendment is similar in nature to the Notermann Residential Development Comprehensive Plan Amendment and Peterson Residential Development Comprehensive Plan Amendment ([Business Item 2019-21](#)), which were reviewed concurrently by the Council on February 13, 2019.

## OVERVIEW

### Conformance with Regional Systems

The amendment conforms to the Regional System Plans for Parks, Transportation (including Aviation), and Wastewater, with no substantial impact on, or departure from, these plans.

### Consistency with Council Policies

The amendment is not consistent with the Natural Resources policies of *Thrive MSP 2040*. The amendment is consistent with the *Housing Policy Plan*, with water resources management, and is consistent with Council forecasts.

### Compatibility with Plans of Adjacent Jurisdictions

The amendment will not have an impact on adjacent communities, school districts, or watershed districts, and is compatible with the plans of those districts. The amendment is not compatible with the USFWS 2004 Minnesota Valley National Wildlife Refuge Comprehensive Conservation Plan, nor its predecessor, the Minnesota Valley National Wildlife Refuge, Recreation Area and State Trail Comprehensive Plan (1983).

## PREVIOUS COUNCIL ACTIONS

- The Council acted on the City's 2040 Comprehensive Plan on August 28, 2019 ([Business Item 2019-214 JT](#), Review File No. 21978-1).

## ISSUES

- I. Does the amendment conform to the regional system plans?
- II. Is the amendment consistent with *Thrive MSP 2040* and other Council policies?
- III. Does the amendment change the City's forecasts?
- IV. Is the amendment compatible with the plans of adjacent local governmental units and affected jurisdictions?

## ISSUES ANALYSIS AND FINDINGS

### *Conformance with Regional Systems*

The amendment conforms to the regional system plans for Regional Parks, Transportation, and Wastewater, with no substantial impact on, or departure from, these system plans. Additional and advisory comments for regional parks and wastewater are included below.

### **Regional Parks**

*Reviewer: Michael Larson (651-602-1407)*

The proposed amendment allows urbanization of a parcel that is environmentally sensitive and unsuitable for development and adjacent to a national wildlife refuge and regionally-significant open space resource. Details about environmental conditions and suitability for development are also addressed under the Land Use and Natural Resources sections that follow. The amendment represents a potential impact on the Minnesota Valley National Wildlife Refuge (Refuge).

Land immediately south of the site and along the Minnesota River is within the Upgrala Unit of the Refuge. Federal and state recreational areas within the metropolitan region provide services similar to those provided by regional parks, park preserves, and regional trail corridors. Consequently, the Council recognizes the master plans of state and federal recreational parks, park preserves, and regional trail corridors to the extent that they fulfill regional recreation open space objectives and are consistent with the Regional Parks Policy Plan (RPPP). The Bryant Lake (formerly North-South 2) Regional Trail Search Corridor also travels through the Flying Cloud Drive Corridor. Hennepin County will be constructing a multi-use trail through the area on the north side of Flying Cloud Drive as part of its reconstruction of Flying Cloud Drive (CSAH 61).

The Refuge is a corridor of land and water along the Minnesota River that stretches from Bloomington to Henderson, MN, and is managed by the U.S. Fish and Wildlife Service (USFWS). The Refuge was established in 1976 to provide habitat for many migratory waterfowl, fish, and other wildlife species threatened by commercial and industrial development, and to provide environmental education, wildlife recreational opportunities, and interpretive programming for Twin Cities residents. The Refuge includes land owned in fee by the USFWS, conservation easements acquired by the USFWS, a Minnesota State Trail, and privately-owned lands that are primarily used for hunting and limited agricultural use. Most of these areas in Eden Prairie are within the 100-year floodplain. Protection and management of Refuge land occurs through cooperative efforts between agencies and with private interests.

Although the USFWS does not control or regulate private property, planning for the Minnesota Valley River Valley in the past has involved collaboration between entities that considers the overall environmental and aesthetic conditions of the Refuge and its surroundings. Planning in the mid-1990s

established the MUSA in its current extent. At that time, Refuge planning documents indicated that urban scale development below the bluff ridge in this vicinity would have the potential of significant negative aesthetic, erosion, and environmental impact upon the Refuge. Policies in the City of Eden Prairie's comprehensive plans since that time have been consistent with this finding, indicating that no further extension of the wastewater sewer service area was planned. The City's 2040 comprehensive plan (Aspire Eden Prairie 2040) states that any "requests to expand the MUSA boundary require review through a public process to amend the Comprehensive Plan."

Impact on the Refuge as a result of development may be minimized through further evaluation and regulation by the City. In its amendment submittal materials, the City indicates that further analysis is required. The staff report mentions factors such as a cut/fill analysis, archeological study, steep slope analysis, wetland delineation report, and tree inventory/replacement plan.

## **Wastewater**

*Reviewer: Roger Janzig (651-602-1119)*

The amendment conforms to the *2040 Water Resources Policy Plan (WRPP)*. Although the amendment location is not currently part of the Council's Long Term Wastewater Service Area (LTWSA), the existing Metropolitan Disposal System has adequate capacity for the proposed change in guided land use. This additional flow is insignificant compared to the existing reserve capacity in the regional wastewater conveyance and treatment system. Staff find that the addition of the proposed 1.05 acres to the LTWSA does not represent an impact to the regional wastewater system, nor is it inconsistent with the WRPP.

## ***Consistency with Council Policy***

The amendment is consistent with Council policies for forecasts, housing, sub-surface sewage treatment systems, and water supply. The amendment is not consistent with Council policy for Land Use and Natural Resources. Additional review comments regarding land use, natural resources, and housing policies are detailed below.

## **Land Use**

*Reviewer: Michael Larson (651-602-1407)*

The re-guiding of this site from Rural to Low Density Residential is not consistent with the Natural Resources Protection Policy in *Thrive MSP 2040 (Thrive)*. Details about inconsistency with Natural Resources Protection Policy are addressed under the Natural Resources review below. Since the late 1990s, the wastewater sewer service area has excluded areas below the Minnesota River bluff ridge in order to maintain a rural character for land that is undeveloped, highly erodible, and which includes the Minnesota Valley National Wildlife Refuge. Consequently, these areas have been guided as Rural (1 dwelling unit per 10 acres) and Open Space. In addition to the re-guiding to Low Density Residential, the City concurrently supported a rezoning that would only allow a single home on the site.

The environmental issues addressed in this review also arose during the review of the Notermann Residential Development Comprehensive Plan Amendment (Review File No. 20401-21) and Peterson Residential Development Comprehensive Plan Amendment (Review File 20401-22, [Business Item 2019-21](#)). These actions by the City re-guided 15 acres from Rural and Open Space to Low Density Residential.

Thrive identifies the City as a Suburban Community and directs Suburban communities to support forecasted growth at densities of at least 5 units per acre. The amendment proposes to re-guide 1.05 acres of land designated as Rural to Low Density Residential with a density range of 0.1 to 5 units per acre. Because this guiding land use has such a low minimum density, the addition of 1.05 acre has no

impact on the City’s overall planned density shown in Table 1 below, which is a minimum of 11.8 units per acre. The changes in the land supply for Low Density Residential is shown underlined. The City remains consistent with residential density policies in *Thrive MSP 2040* (Thrive).

Table 1. City of Eden Prairie Planned Residential Density

Category	2017-2040 Change				
	Density Min	Density Max	Net Acres	Min Units	Max Units
Low Density Residential	0.1	5	<u>421</u>	43	2100
Medium Density Residential	5	14	160	800	2240
Medium High Density Residential	14	40	409	5726	16,360
High Density Residential	40	75	3	120	225
Transit-Oriented Development*	25	80	75.6	1755	6048
Mixed Use*	40	75	109.2	4056	8190
Town Center Mixed Use*	40	75	54.6	2028	4095
	<b>TOTALS</b>		<b>1231.4</b>	<b>14,528</b>	<b>39,258</b>
	<b>Overall Density</b>			<b>11.8</b>	<b>31.9</b>

\* 65% residential

### Natural Resources

Reviewer: Jim Larsen (651-602-1159)

The amendment is inconsistent with the Natural Resources Protection Policy of Thrive. Council staff conclude that the site being reguידed is better maintained as rural character and/or public open space resources.

### Soil and Slope Conditions

Soil conditions and slopes on the site create severe building limitations due to the risk of erosion. The Hennepin County Minnesota Soil Survey (Survey) indicates soils in the east-central portion the parcel have been characterized as Crowfork (formerly Hubbard) loamy sand on slopes of 6 to 12 percent. On the remainder of the parcel, soils have been characterized as Hawick (formerly Salida) loamy sand on slopes of 18 to 40 percent. Both these soil types are highly erodible and difficult and costly to stabilize with vegetative practices once the surface vegetation has been disturbed. Increased and focused runoff from roofs and impervious surfaces can cause severe erosion. Most areas where these soils are mapped are preserved in permanent pasture or as native vegetated wildlife habitat. These steep, very droughty soils are better suited to permanent native vegetation.

### Regionally Significant Ecological Areas

Thrive directs staff to work with local and regional partners to conserve, restore, and protect the region’s remaining vital natural resources by adopting local land uses and planning strategies for protecting natural resources and minimizing development impacts.

Development would impact habitat characterized as ‘outstanding’ (the highest level) in quality by the Council’s Natural Resources Inventory/Assessment (NRIA). The Council and Minnesota Department of Natural Resources (MnDNR) staff, in cooperation with the University of Minnesota, jointly prepared the Natural Resources Inventory/Assessment (NRIA) database for the seven-county area in 2004-2005, which the Council continues to utilize. The data set is identified in the Council’s geographic information system as Regionally Significant Ecological Areas.

The amendment location is adjacent to the Minnesota Valley National Wildlife Area, which includes remnant native prairie and restored native grasslands on former agricultural fields. The largest block of remnant native prairie in the vicinity of the Refuge exists along the Eden Prairie Bluffs and is characterized by a diversity of native grasses and forbs. Refuge staff have historically strongly recommended against development of bluff lands due to potential environmental impacts on the Refuge, including the risk of significant erosion and bluff failure near the Refuge. Furthermore, development of home sites below the bluff ridge in this location would diminish the aesthetic and recreational experience of Minnesota Valley State Trail users and Wildlife Refuge visitors.

### *Advisory Comments*

Council staff strongly recommend that the City reconsider the potential for development on this site. If the City chooses to move forward, Council staff strongly recommend that the City utilize its development review process and regulations to protect the integrity of the natural resources on the site if and when more specific site plans are proposed.

### **Housing**

*Reviewer: Tara Beard (651-602-1051)*

The proposed amendment is consistent with the *2040 Housing Policy Plan*. The re-guiding of 1.05 acres to a low-density residential land use with limited land use capacity does not change the City's overall capacity to support its share of the region's affordable housing need for 2021-2030, which is 1,408 units.

Eden Prairie is a participant in Livable Communities Act (LCA) programs and was most recently awarded \$900,000 in Livable Communities Demonstration Account funds in 2018 for site preparation, stormwater management and site acquisition and design for a mixed income housing development including 58 units. The project is part of a larger plan to build affordable ownership senior housing and for-sale townhomes. The most recent affordable housing development in Eden Prairie was 191 rental units in 2013.

### *Compatibility with Plans of Adjacent Governmental Units and Plans of Affected Special Districts and School Districts*

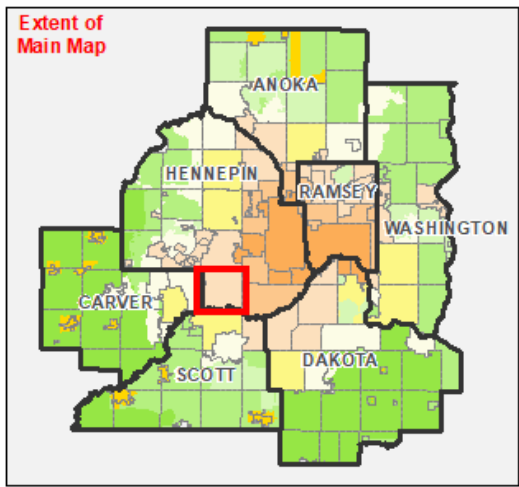
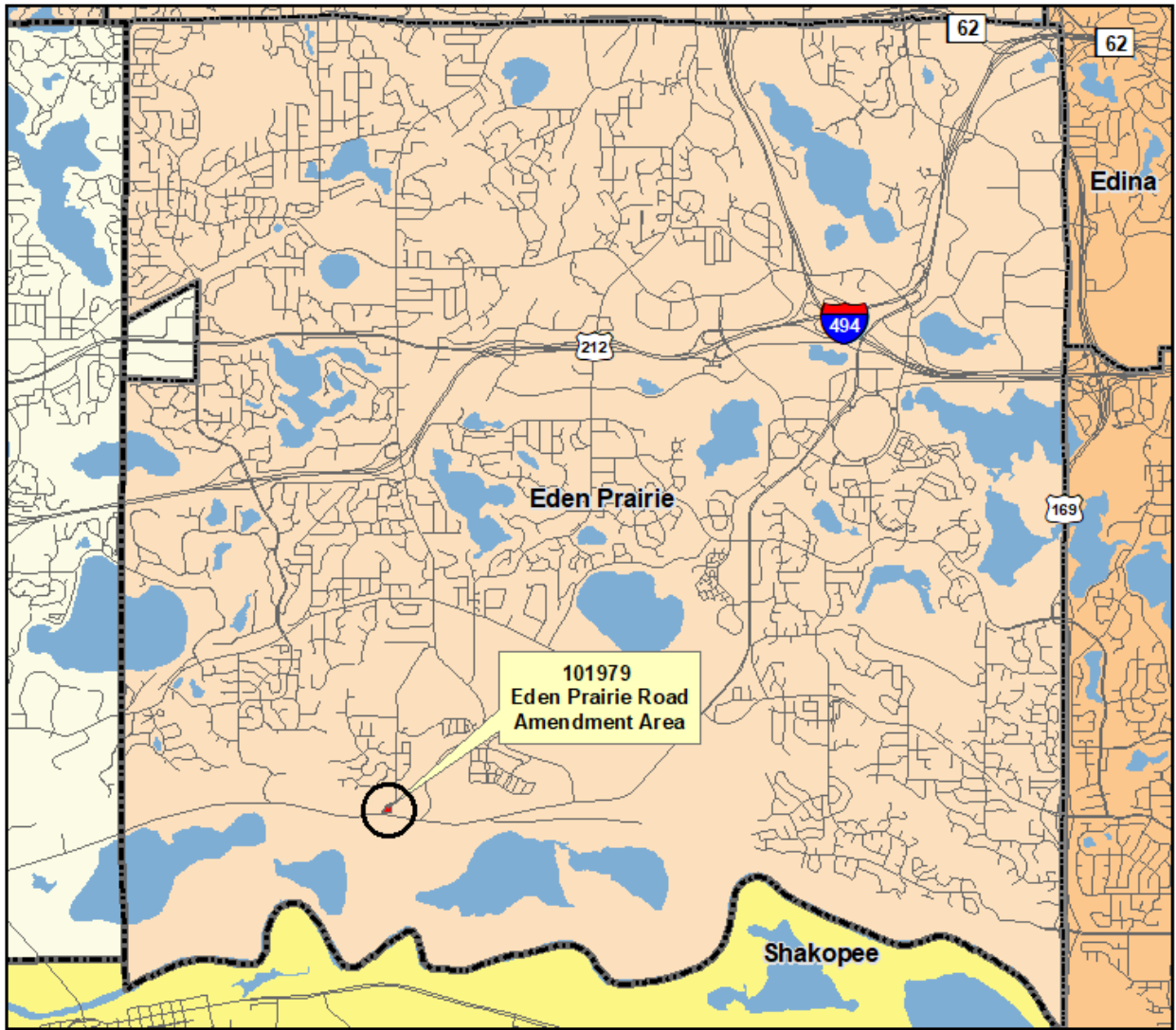
As described above under the Land Use and Natural Resources reviews, the proposed amendments are not compatible with the USFWS 2004 Minnesota Valley National Wildlife Refuge Comprehensive Conservation Plan, nor its predecessor, the Minnesota Valley National Wildlife Refuge, Recreation Area and State Trail Comprehensive Plan (1983). The Council encourages collaboration with the U.S. Fish and Wildlife Service regarding the review of future development proposals.

### **ATTACHMENTS**

- Figure 1: Location Map Showing Community Designations
- Figure 2: Location Map Showing Regional Systems
- Figure 3: Current Land Use Guiding
- Figure 4: Proposed Land Use Guiding



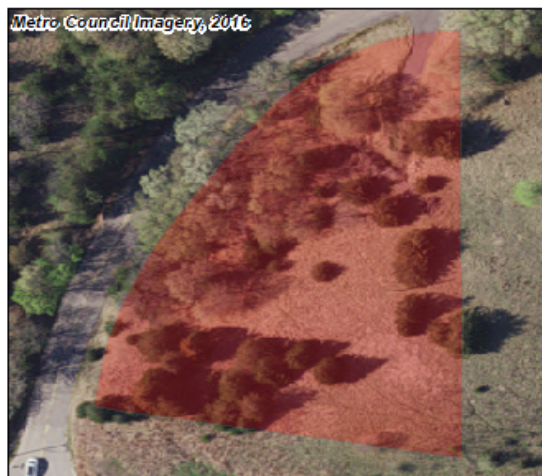
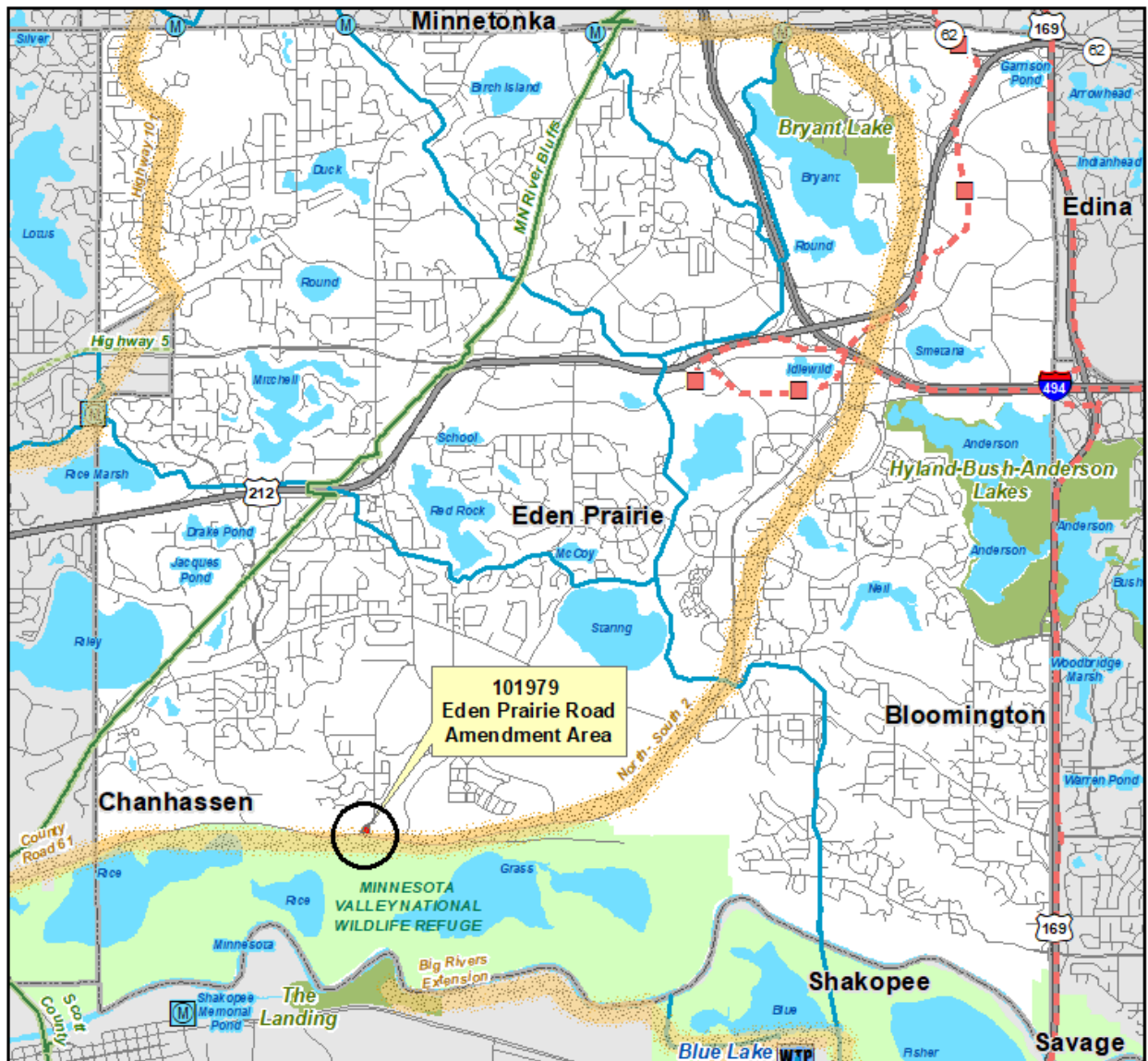
Figure 1: Location Map Showing Community Designations



**ThriveMSP 2040 Community Designations**

- Agricultural
- Rural Residential
- Diversified Rural
- Rural Center
- Emerging Suburban Edge
- Suburban Edge
- Suburban
- Urban
- Urban Center
- Ncompass Street Centerlines

Figure 2: Location Map Showing Regional Systems



**Regional Systems**

- Planned Fixed Guideway Stations
- Existing Fixed Guideway Stations
- Regional Transitways**
- Existing, Fixed Guideway
- Proposed, Fixed Guideway
- Existing, Bus Rapid Transit
- Proposed, Bus Rapid Transit

**Wastewater Treatment**

- M Meters
- L Lift Stations
- MCES Interceptors
- WTP MCES Treatment Plants

**Regional Highway System**

- Interstates
- US Highways
- State Highways
- County Roads
- Ncompass Street Centerlines

**Regional Parks**

- Existing (Open to Public)
- In Master Plan (Not Open to Public)
- Planned Units

**Regional Trails**

- Existing (Open to Public)
- Existing (Not Open to Public)
- Planned

**Minnesota Valley National Wildlife Refuge**

- USFWS Approved Boundary

Figure 3: Current Land Use Guiding



Figure 4: Proposed Land Use Guiding

