

APPENDIX 1—

- **RESOLUTION ORDERING THE AUAR**
- **CITY OF CHANHASSEN RESOLUTION # 016-XXX**



CITY OF CHANHASSEN

Chanhassen is a Community for Life - Providing for Today and Planning for Tomorrow

I-2

MEMORANDUM

TO: Todd Gerhardt, City Manager

FROM: Kate Aanenson, AICP, Community Development Director

DATE: November 28, 2016 *o/ka*

SUBJ: Adopt Resolution Ordering the Update to the AUAR, 2005MUSA Area; and Approve Professional Services Agreements

PROPOSED MOTION

“The Chanhassen City Council adopts a Resolution ordering the Update to the Alternative Urban Areawide Review (AUAR) for the 2005 MUSA Area; and approves professional services agreements with Hoisington Kogler Group Inc. and Kimley-Horn and Associates, Inc.”

City Council approval of requires a simple majority vote of City Council.

BACKGROUND

With conceptual PUD approval of Avienda by the City Council, staff has prepared a resolution ordering the update to the AUAR.

What is an AUAR?

An Alternative Urban Areawide Review (AUAR) is authorized under Minnesota Rules Chapter 4410.3610 as an alternative form of environmental review for development projects. Generally, the AUAR consists of a hypothetical development scenario, an inventory of environmental and cultural resources, an assessment of the “cumulative” impacts that the development scenario may have on these resources as well as public infrastructure services, and a set of mitigation measures that reduce or eliminate the potential impacts generated by the development. The AUAR is intended to address the “cumulative” impacts resulting from a sequence of related development projects as opposed to and Environmental Assessment Worksheet (EAW) or Environmental Impact Statement (EIS) which simply looks at a single project’s impacts and does not attempt to outline mitigation initiatives.

ANALYSIS

Because the AUAR was adopted in 2003, it needs to be updated. The Environmental Quality Board Environmental Review Program has the following criteria regulating the updating of the AUAR:

4410.3610 Alternative Urban Areawide Review Process

Subp. 7. **Updating the review.** To remain valid as a substitute form of review, the environmental analysis document and the plan for mitigation must be revised if any of the circumstances in items A to H apply.

- A. Five years have passed since the Regulatory Governmental Unit (RGU) adopted the original environmental analysis document and plan for mitigation or the latest revision. This item does not apply if all development within the area has been given final approval by the RGU.
- B. A comprehensive plan amendment is proposed that would allow an increase in development over the levels assumed in the environmental analysis document.
- C. Total development within the area would exceed the maximum levels assumed in the environmental analysis document.
- D. Development within any subarea delineated in the environmental analysis document would exceed the maximum levels assumed for that subarea in the document. A substantial change is proposed in public facilities intended to service development in the area that may result in increased adverse impacts on the environment.
- E. Development or construction of public facilities will occur on a schedule other than that assumed in the environmental analysis document or plan for mitigation so as to substantially increase the likelihood or magnitude of potential adverse environmental impacts or to substantially postpone the implementation of identified mitigation measures.
- F. New information demonstrates that important assumptions or background conditions used in the analysis presented in the environmental analysis document are substantially in error and that environmental impacts have consequently been substantially underestimated.
- G. The RGU determines that other substantial changes have occurred that may affect the potential for, or magnitude of, adverse environmental impacts.

The 118 area proposed for development was re-guided from low density residential to either office or Regional Commercial in the 2008 Comprehensive Plan, which is an increase in development levels. Over five years have passed since the AUAR was approved. The plan must be updated for Avienda to move forward. The AUAR is a public process taking approximately four to five months and requires City Council approval.

Attached for approval are two professional services agreements, one from Hoisington Koegler Group Inc. (HKgi) in the amount of \$40,000 for land use planning, document preparation, project management and public engagement; and one from Kimley-Horn & Associates in the amount of \$54,570 for engineering services (traffic, sanitary sewer, potable water, and storm water).

While the city is the Regulatory Governmental Unit assigned with the responsibility for conducting the AUAR, the developer, Level 7 Development, is responsible for paying for the AUAR update. The study will proceed once the applicant has escrowed the cost for the update of the AUAR.

The cost of original AUAR, \$114,395.47, of which \$11,465.00 was split among all property owners in the study area based on parcel size. All developed parcels have paid their portion of that AUAR. The parcels comprising the parcels in the Avienda development have an outstanding balance of \$25,836.70.

RECOMMENDATION

Staff recommends the City Council adopt the following motion.

“The Chanhassen City Council adopts a Resolution ordering the Update to the Alternative Urban Areawide Review (AUAR) for the 2005 MUSA Area; and approves professional services agreements with Hoisington Koegler Group Inc. and Kimley-Horn and Associates, Inc.”

ATTACHMENTS

1. Resolution.
2. Hoisington Koegler Group Inc. Professional Services Agreement.
3. Kimley-Horn and Associates, Inc. Professional Services Agreement.
4. 2003 AUAR Cost Allocation
5. AUAR Update Schedule.

**CITY OF CHANHASSEN
CARVER AND HENNEPIN COUNTIES, MINNESOTA**

DATE: November 28, 2016 **RESOLUTION NO:** 2016-XX

MOTION BY: _____ **SECONDED BY:** _____

**RESOLUTION ORDERING UPDATE TO THE
ALTERNATIVE URBAN AREA WIDE REVIEW (AUAR) FOR THE
2005 METROPOLITIAN URBAN SERVICES AREA**

WHEREAS, on August 11, 2003 the City of Chanhassen, acting as the official Responsible Governmental Unit (RGU), approved Resolution 2003-70, an order for review requesting the initiation of an AUAR for the 2005 MUSA; and

WHEREAS, on December 8, 2003 the City Council adopted a Final AUAR Environment Analysis Document and Mitigation Plan in the 2005 MUSA; and

WHEREAS, in November 10, 2008 the city adopted the 2030 Comprehensive Plan; and

WHEREAS, a significant amount of development has occurred in the AUAR area but there are vacant parcels; most significantly 118 acres with a land use designation of either office or regional commercial designated in the 2030 Comprehensive Plan; and

WHEREAS, the City of Chanhassen is the Responsible Governmental Unit (RGU) assigned with the responsibility of conducting the AUAR; and

WHEREAS, Minnesota Administrative Rule 4410.3610 requires that AUARs be updated every five years unless development has occurred and land use and densities have changed since 2003; and

WHEREAS, the project area included approximately 600 acres within the City that is generally bound by Lyman Boulevard on the north, Audubon Road on west, Pioneer Trail on the south, and Powers Boulevard on the east, project area on the attached map shown as Exhibit A; and

WHEREAS, the anticipated nature, location and intensity of projected future development is consistent with the development pattern stipulated in the current comprehensive plan.

NOW, THEREFORE, BE IT RESOLVED that the City of Chanhassen adopts the Order for Review for the update to the 2005 Chanhassen AUAR.

Passed and adopted by the Chanhassen City Council this 28th day of November, 2016.

ATTEST:

Todd Gerhardt, City Manager

Denny Laufenburger, Mayor

YES

NO

ABSENT

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