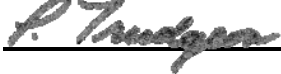


REQUEST FOR COUNCIL ACTION

DATE: 5/21/2012
ITEM NO: 12 . a

Department Approval



City Manager Approval



Item Description: Make a decision regarding the citizens' petition for an Environmental Assessment Worksheet for the proposed Wal-Mart store at County Road C and Cleveland Ave.

1.0 BACKGROUND

A citizens' petition for an Environmental Assessment Worksheet (EAW) for the proposed Wal-Mart store at County Road C and Cleveland Avenue was submitted to the Minnesota Environmental Quality Board (EQB); the petition, in its entirety, is included with this report as Attachment A. The EQB rules require the responsible governmental unit (RGU—the City of Roseville, in this case) to decide whether an EAW is needed as a result of such a petition in light of the existing Alternative Urban Areawide Review (AUAR) environmental assessment.

2.0 REVIEW OF EQB RULES ON AUARs AND EAWs AND EISs

2.1 To begin this review, a brief comparison of AUARs, EAWs, and Environmental Impact Statements (EISs) may be useful. As the Minnesota Administrative Rules establish, the content and format of an AUAR is broad-ranging like an EAW, addressing concerns like water quality, soil conditions and contamination, traffic, dust, noise, and air emissions from vehicles and stationary sources, but an AUAR also provides an in-depth level analysis comparable to that of an EIS for direct, indirect, and cumulative potential effects typical of urban residential, commercial, warehousing, and light industrial development and associated infrastructure. An AUAR also establishes a plan for mitigating the potential environmental impacts identified in the analysis. The Rules also note that the adoption of an AUAR does not constitute a finding that each potential project within the designated boundary has or may have the potential for significant environmental effects; instead the adoption of an AUAR is a proactive step to provide thorough environmental review for all proposed development, major and minor, within a specified area.

2.2 Minnesota Administrative Rules Part 4410.3610 centers on AUARs. Subpart 1 says two main things about AUARs; to paraphrase:

- a. A City may use an AUAR instead of an EAW or an EIS to review anticipated residential, commercial, warehousing, and light industrial development and associated infrastructure in a particular geographic area within its jurisdiction, if the City has adopted a comprehensive plan that includes at least a land use plan, a public facilities plan, and an implementation plan.
- b. An AUAR may not be used as the environmental review when certain proposed projects would trigger a mandatory EAW or EIS.

Roseville's 2030 Comprehensive Plan has the necessary elements to qualify for utilization of an AUAR. Since the proposed development represents about 160,000 square feet of retail space, it would not trigger a mandatory EAW in any location except for an unincorporated area (Rule 4410.4300 subp. 14), nor would it trigger a mandatory EIS (Rules 4410.4400 subp. 11).

2.3 The relevant information in the Rules Part 4410.3610 subp. 2 says, essentially, that upon completion of an AUAR, residential, commercial, warehousing, and light industrial development projects and associated infrastructure within the AUAR's study boundaries that are consistent with the AUAR's development assumptions are exempt from citizens' petitions for preparation of an EAW as long as the approval and construction of the project complies with the conditions of the AUAR's plan for mitigation.

2.4 The EQB's website provides a document titled "Reviewing Petitions: A Procedural Guide for Local RGUs" containing instructions for how to address citizens' petitions for preparation of an EAW. While this document is, admittedly, imperfect, (the relevant Step 4 is poorly edited and incomplete) the EQB's Executive Director has posited that the incomplete criterion deals with standard exemptions. Thus, the Procedural Guide also confirms that projects which conform to an AUAR and which do not require mandatory EAW review cannot be petitioned for such review.

3.0 REVIEW OF THE PROPOSED WAL-MART DEVELOPMENT WITHIN THE AUAR

3.1 Having established above that an EAW requested through a citizens' petition cannot be required for a project which conforms to an AUAR and which does not require mandatory EAW review, the next step is to determine whether the proposed Wal-Mart development conforms to Roseville's AUAR for the Twin Lakes redevelopment area; the Twin Lakes AUAR, exclusive of its appendices, is included with this report as Attachment B.

3.2 The existing AUAR Update was adopted on October 15, 2007. Although Roseville's 2030 Comprehensive Plan was updated in 2009, Planning Division staff believes that the current Community Mixed Use (CMU) land use designation was intended to be—and is—substantially consistent with the former Business Park (BP) designation referenced in the AUAR. Some portions of the 2030 Comprehensive Plan were even developed with the benefit of the information contained in the AUAR. For these reasons, Planning Division staff believes that the AUAR continues to be a valid environmental review instrument and will remain so until October 15, 2012, when it would need to be updated again.

3.3 The Twin Lakes AUAR Update map showing the AUAR's overall boundary as well as the internal Subareas (included with this report as Attachment C) indicates that the area subject to the AUAR analysis encompasses the entirety of the Wal-Mart development as well as any proposed or required infrastructure improvements related to the development.

3.4 The AUAR analyzed three different Twin Lakes redevelopment scenarios for possible environmental impacts. Scenario "A" is identified as the "worst case," or the scenario that would lead to the greatest potential for environmental impact. As explained in Item 7 of the AUAR, Scenario A was developed by reviewing the four different future land use maps depicted in the 2001 Twin Lakes Business Park Master Plan (included with this report as Attachment D) and assuming that each of the redevelopment Blocks was developed with the most intensive of those possible future land uses in order to identify

strategies for effectively mitigating the potential impacts of such a “worst case” development. Attachment D also identifies the location of the proposed Wal-Mart development as Block 4 for the purposes of the AUAR’s analysis.

3.5 In addition to high levels of development throughout the Twin Lakes redevelopment area, Scenario A evaluated Block 4, the location of the proposed Wal-Mart development, for 240,000 square feet of a land use referred to as “service mix.” The AUAR defines “service mix” as consisting of “retail, a hotel, a day care facility, a health club facility and restaurant uses that would be complementary to the other uses in the Twin Lakes Business Park,” and noting that “Service Mix [was] analyzed from a retail perspective as retail generates greater impacts than the other potential uses described within service mix, thus providing the ‘worst case’ development scenario.” Since the proposed development comprises a 160,000-square-foot retail store, Block 4 could still accommodate another 80,000 square feet of retail, hotel, day care, health club, restaurant, or other uses without exceeding the capacity assumed in the AUAR analysis.

4.0 CONCLUSION

Based on the preceding analysis and the following findings, Planning Division staff believes that the proposed Wal-Mart development is exempt from the citizens’ petition for preparation of an EAW:

- a. The Twin Lakes AUAR was properly established and updated, and continues to be a valid environmental review instrument.
- b. The proposed Wal-Mart development, along with all of its associated infrastructure improvements, lies within the geographic area analyzed by the Twin Lakes AUAR.
- c. The proposed 160,000 square feet of retail floor area comprised by the proposed development is within the “worst case” assumptions for development of Block 4, as analyzed in Scenario A of the Twin Lakes AUAR.
- d. The proposed 160,000 square feet of retail floor area comprised by the proposed development is below the threshold for mandatory EAW or EIS review.
- e. Under Minnesota Administrative Rule 4410.3610, proposed commercial projects and associated infrastructure that fall within the geographic and analytic limits of a valid AUAR, that comply with the AUAR’s plan for mitigation, and that do not exceed the threshold for mandatory preparation of an EAW are exempt from EAW requirements.

5.0 SUGGESTED ACTION

- 5.1 Adopt a resolution documenting the exemption of the proposed Wal-Mart development from the citizen’s petition for preparation of an EAW.
- 5.2 Direct Planning Division staff to notify the petitioners’ representative and the EQB of the exemption of the proposed Wal-Mart development from the citizen’s petition for preparation of an EAW.

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Attachments: A: Citizen’s Petition for EAW D: Twin Lakes Master Plan future land use maps
B: Twin Lakes AUAR, less appendices
C: Twin Lakes AUAR boundary map E: Draft resolution