



## MAYOR AND COUNCIL COMMUNICATION

DATE: 07/02/2013

**REGULAR**

ITEM #: 19

**AGENDA ITEM:** Savona EAW (Lennar) Response to Comments, Findings of Fact, Record of Decision, and Declaration of No Need for an EIS

**SUBMITTED BY:** Kyle Klatt, Planning Director

**THROUGH:** Dean A. Zuleger, City Administrator

**REVIEWED BY:** Nick Johnson, City Planner  
Jack Griffin, City Engineer  
(Drafted by Westwood Engineering)

---

### SUGGESTED ORDER OF BUSINESS:

- Introduction of Item.....Staff
- Report/Presentation .....Staff
- Questions from Council to Staff..... Mayor Facilitates
- Public Input, if Appropriate..... Mayor Facilitates
- Call for Motion..... Mayor & City Council
- Discussion ..... Mayor & City Council
- Action on Motion ..... Mayor Facilitates

### PUBLIC POLICY STATEMENT

With the end of the comment period for the Savona EAW, the City Council must respond to the comments received and establish findings of fact related to the comments. As part of this process, the Council must also decide on whether or not to require an Environmental Impact Statement (EIS) for the project.

<p><b>FISCAL IMPACT:</b> None – Westwood Engineering, working under the direction of Lennar Corporation, is preparing the EAW and has drafted the attached document. Staff has been involved in reviewing the work of the developer's consultant.</p>
---

### SUMMARY AND ACTION REQUESTED:

The City Council is being asked to approve a response to comments, findings of fact, and record of decision for the Savona Environmental Assessment Worksheet (EAW). As a part of this review, the Council is also being asked to adopt a resolution approving the Savona EAW and finding no need for an Environmental Impact Statement. The City Council has previously authorized distribution of the EAW, which been prepared for the proposed Lennar Corporation residential subdivision (Savona) located within the I-94 Corridor planning area and immediately west of Keats Avenue. The EAW document has been prepared under the direction of the City of Lake Elmo acting as the RGU (Responsible Governing Unit).

Staff recommends that the City Council adopt the attached document establishing a response to comments, findings of fact, and a record of the decision for the Savona EAW and to declare no need for an EIS by taking the following action / with the following motion:

***“Motion to adopt Resolution No. 2013-54 approving the Savona EAW and finding no need for an Environmental Impact Statement”***

#### **BACKGROUND INFORMATION:**

The Environmental Assessment Worksheet (EAW) was prepared, published, and distributed by City of Lake Elmo for the proposed Savona Residential Development pursuant to Minnesota Rules, Chapter 4410. The completed EAW was distributed to the Environmental Quality Board (EQB) and persons and agencies listed on the official March 22, 2013 EQB EAW Distribution List in accordance with Minnesota Rules 4410.1500. The notification was published in the EQB Monitor on April 29, 2013, initiating the 30-day comment period. A press release was submitted for publication in the April 30, 2013 edition of the Oakdale-Lake Elmo Review newspaper. The 30-day comment period ended on May 29, 2013.

The EAW and comments on it have been reviewed in accordance with Minnesota Rules 4410.1700 to determine if the project has potential for significant environmental effects. This document includes the Response to Comments for all comments received by the City of Lake Elmo, the Findings of Fact supporting the decision, and the Record of Decision.

The purpose of the EAW, comments and comment responses is to provide the record on which the RGU can base a decision about whether an EIS needs to be prepared for a project. EIS need is described in the rules: “An EIS shall be ordered for projects that have the potential for significant environmental effects” (part 4410.1700, subpart 1). An EAW is not to be used to justify a decision, nor do indications of adverse environmental effects necessarily require that a project be disapproved. EAWs are used as guides in issuing, amending, and denying permits and carrying out other responsibilities of governmental units to avoid or minimize adverse environmental effects and to restore and enhance environmental quality (Minnesota Rules 4410.0300, Subp. 3).

#### **STAFF REPORT:**

The City of Lake Elmo received eight comments concerning the Savona EAW within the 30-day comment period, and all are included as part of the attached record and decision making document. None of the comments received indicated the potential for significant environmental impacts as further described in the findings of fact. Staff has sent the response to comments to the eight respondents in advance of the meeting.

#### **STAFF RECCOMENDATION:**

Based upon the above background information and Staff report it is recommended that the City Council adopt the attached document establishing a response to comments, findings of fact, and a record of the decision for the Savona EAW and to declare no need for an EIS with the following motion:

***“Motion to adopt Resolution No. 2013-54 approving the Savona EAW and finding no need for an Environmental Impact Statement”***

#### **ATTACHMENTS:**

1. Resolution No. 2013-54
2. Response to Comments, Findings of Fact, and Record of Decision – Savona EAW