



MAYOR & COUNCIL COMMUNICATION

DATE: December 2, 2014

REGULAR

ITEM # 12

AGENDA ITEM: InWood EAW (Hans Hagen Homes) Response to Comments, Findings of Fact, Record of Decision, and Declaration of No Need for an EIS

SUBMITTED BY: Kyle Klatt, Community Development Director

THROUGH: Dean Zuleger, City Administrator

REVIEWED BY: Nick Johnson, City Planner
Jack Griffin, City Engineer
(Drafted by Hans Hagen Homes)

SUGGESTED ORDER OF BUSINESS:

- Introduction of ItemCommunity Development Director
- Report/Presentation.....Community Development Director
- Questions from Council to Staff..... Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion..... Mayor & City Council
- Action on Motion..... Mayor Facilitates

POLICY RECCOMENDER: With the end of the comment period for the InWood Environmental Assessment Worksheet (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. Staff is recommending that the City Council adopt the attached Resolution and official response to comments as drafted by Hans Hagen Homes and reviewed by Staff.

FISCAL IMPACT: None – Hans Hagen Homes has prepared the EAW and has drafted the attached document. Staff has been involved in reviewing the developer’s work and revising the documents to address City comments and concerns.

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 InWood PUD Environmental Assessment Worksheet (EAW). As a part of this review, the Council is also being asked to adopt a resolution approving the InWood 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 Hans Hagen Homes and Inwood 10, LLC mixed use development project (InWood PUD) located within the I-94 Corridor planning area on approximately 157 acres of land southeast of the intersection of Inwood Avenue and 10th Street. 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 InWood EAW and to declare no need for an EIS by taking the following action / with the following motion:

“Motion to adopt Resolution No. 2014-93 approving the InWood EAW and finding no need for an Environmental Impact Statement”

BACKGROUND: The Environmental Assessment Worksheet (EAW) was prepared, published, and distributed by City of Lake Elmo for the proposed InWood mixed use 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 EQB EAW Distribution List in accordance with Minnesota Rules 4410.1500. The notification was published in the EQB Monitor on September 29, 2014, initiating the 30-day comment period and posted on the City’s website for public viewing. The 30-day comment period ended on October 29, 2014.

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 six comments concerning the InWood 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 six respondents in advance of the meeting.

BACKGROUND INFORMATION (SWOT):

Strengths

- The EAW and supporting documents will help identify and

mitigate any potential environmental impacts associated with the proposed InWood PUD development.

- The EAW and comments received do not indicate that any further environmental analysis is necessary.
- Weaknesses**
- The EAW does identify potential impacts that can be mitigated through the development review process.
- Opportunities**
- The EAW provides the City (and reviewing individuals and bodies) with the opportunity to review and address potential environmental issues prior to any development taking place.
- Threats**
- The City will need to follow through on the recommendations and comments that were received through this process.

RECOMMENDATION: 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 InWood EAW and to declare no need for an EIS with the following motion:

“Motion to adopt Resolution No. 2014-93 approving the InWood EAW and finding no need for an Environmental Impact Statement”

ATTACHMENTS:

1. Resolution No. 2014-93
2. Response to Comments, Findings of Fact, and Record of Decision – InWood EAW