

Appendix J. Draft AUAR Comment Letters

Six agencies and seven citizens submitted comment letters on the Lake Elmo Village Area Draft AUAR. Valley Branch Watershed District requested an extension of the public comment period; the City of Lake Elmo granted the extension. As required by MN Rules, the Responsible Governmental Unit (RGU) must provide replies to comments that are *substantive* (involving matters with major or practical importance). The “Response to Comments” element of the Final AUAR provides responses to each *substantive* comment received. The responses are located in Appendix K. All non-substantive comments are duly noted for the record and are not necessarily addressed in the responses or in the Final AUAR document.

The location of the responses to substantive comments is tracked on each comment letter included in this appendix. This provides commenters and/or reviewers a system to easily determine where their substantive comments were addressed. The following is a reference table for the tracking system.

Tracking System Example ¹	Location of response to substantive comments
6-1	The response to the comment is included under Item 6 , comment number 1, in the response to comments section of the Final AUAR
17-3	The response to the comment is included under Item 17 , comment number 3, in the response to comments section of the Final AUAR

¹The tracking code is written next to paragraphs containing substantive comment within each comment letter

Copies of all comment letters submitted are included in this appendix in the order shown below.

Organization/Citizen	Letter/E-mail Dated	Signatory
Richard Mathaus	December 8, 2008	Richard Mathaus
Metropolitan Airports Commission	December 22, 2008	Bridget Rief
Larkin Hoffman (on behalf of the Scream family)	December 23, 2008	Peter Coyle
Metropolitan Council	December 29, 2008	Phyllis Hanson
Judith Blackford	December 28, 2008	Judith Blackford
Washington County Public Works Department	December 30, 2008	Ted Schoenecker
Todd Williams	December 30, 2008	Todd Williams
Minnesota Pollution Control Agency	December 31, 2008	Jessica Ebertz
Ann Bucheck	December 31, 2008	Ann Bucheck
Brett H. Emmons	December 31, 2008	Brett H. Emmons
Washington Conservation District	December 31, 2008	Jay Riggs
Steve DeLapp	December 31, 2008	Steve DeLapp
Valley Branch Watershed District	January 9, 2009	John Hanson

Kelli Matzek

From: RICHARD A MATHAUS [REDACTED]
Sent: Monday, December 08, 2008 2:28 PM
To: AUAR Draft Comments
Subject: AUAR Draft

It appears as though Bonestroo has done a thorough job of reviewing the 4 different scenarios that the council decided to have studied. In terms of environmental impacts, it has its bases covered. I read through the documents not looking to poke holes in them, but more over to get a sense of what does this information provide as a go forward position for the city council.

What needs to be taken into consideration in conjunction with the information provided are what I consider to be simple, common sense, lay of the land reminders; where the "end" product of the "new" old village design will get its look and feel.

Here is where my two cents come in:

GC-2

1. Make wise investment decisions now and base them on today's dollars, not "what might be" in 5, 10 or 20 years. That means implementing plans that coincide with the fewest number of developmental units that we need to conform to from the Met Council.

9-1

2. Keep low level buildings and rural aesthetics top of mind, with trees and store fronts capturing an era that is all but lost if not for memories.

9-1

3. Ensure that current land owners and business' are dealt with fairly and equitably.

GC-1

4. Lastly, keep peoples opinions high on the list, where they make sense.

Thank you for your consideration.

Richard Mathaus
[REDACTED]
[REDACTED]

METROPOLITAN AIRPORTS COMMISSION

Minneapolis-Saint Paul International Airport

6040 - 28th Avenue South • Minneapolis, MN 55450-2799

Phone (612) 726-8100



December 22, 2008

Mr. Kyle Klatt
Planning Director
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, MN 55042-9629

Re: Old Village Draft AUAR
Lake Elmo Airport

Dear Mr. Klatt:

The Metropolitan Airports Commission (MAC) has reviewed the Lake Elmo Village Area AUAR document dated November 13, 2008. We appreciate the opportunity to review the document, and offer the following comments.

References to an Airport Zoning Ordinance

96 The Executive Summary indicates that "All scenarios propose to locate single family residential uses within portions of the safety zones and noise contours/impact areas, which is typically considered an incompatible use. Any future development proposed to be located within the safety zones and noise contour/impact areas will be subject to the development restrictions within each safety zone (e.g. land use type, building height) and noise contours (e.g. land use type) established by state statute and the city. To minimize land use compatibility issues with the airport, the city will work with a Joint Airport Zoning Board (JAZB) to prepare an airport zoning ordinance prior to new development occurring within or near the safety zones and updated noise contours."

Portions of this text are repeated in some areas of the document, and slightly modified in others, including paragraph 7, paragraph 9, paragraph 24 and paragraph 29. Please ensure that all of the text within the AUAR is consistent with the Executive Summary with regard to the JAZB language.

9-7 To be compliant with regional planning, it is paramount that the AUAR acknowledge the state safety zone process and potential restrictions on land use and building heights. Residential development within noise sensitive areas of the airport is discouraged as well as within incompatible areas of state safety zones. Further there should be no development within the Runway 14-32 Runway Protection Zone (RPZ) that lies within the AUAR area. Greenbelt buffers should be used to the maximum extent possible to minimize impacts resulting from airport operations and noise.

Mr. Kyle Klatt
December 22, 2008
Page 2

9-6 The AUAR correctly states that a Joint Airport Zoning Board (JAZB) is responsible to determine the size of the safety zones as well as the extent of land use and height restrictions. On page ten ("x") of the Executive Summary is a comment regarding the representatives who will make up the JAZB. There are to be two representatives each from Lake Elmo, Baytown Township, West Lakeland Township, and Washington County. MAC will also have two representatives as well as a chairperson to be selected by all representatives. MAC also encourages the city to develop their own ordinances regarding enhanced structural performance standards for residential properties within the AUAR area to further reduce the potential for noise impacts.

Since the airport zoning process can take from 6 – 18 months depending on the issues and efforts of the JAZB, MAC is interested in commencing the process as soon as possible after the first of the year.

Paragraph 8. Permits and Approvals Required

8-3 It should be noted in this section of the AUAR and on Table 8-1 that approvals from the FAA may be required for certain construction related activities. Once completed, the airport zoning ordinance should identify parcels and document the allowable building heights for each. However, please note that review by the FAA is required for any construction that involves equipment or cranes in excess of the allowed heights, as well as for areas outside the safety zones in proximity to the airport (all of the AUAR area). The City should ensure that the FAA is properly notified via submittal of a Notice of Construction or Alteration (Form 7460-1A) and a "determination of no hazard" received before issuing permits for structures that require this type of review. The form can be found and submitted on line at www.faa.gov.

Paragraph 9. Land Use

9-8 On page 15 of the draft AUAR, it refers to the airport as the Lake Elmo Regional Airport. Please delete "Regional" from this title and any other airport references.

9-9 Under the Mitigation Summary on page 23, the last bullet states "Prohibit the establishment of waterfowl habitat within the airport safety zones (e.g. large stormwater ponds with mown grass edges). Stormwater management facilities located within the airport safety zones should utilize infiltration BMP's to manage storm water." MAC fully supports the use of infiltration basins in the vicinity of the airport, and encourages all ponding areas to be designed to be non-attractive to waterfowl. The FAA has developed guidelines for not only ponds, but other potential wildlife attracting sources that lie within the vicinity of airports. FAA Advisory Circular 150/5200-33B is attached to this letter for your convenience. Note, however, that the prohibition of waterfowl habitat should not just be limited to the safety zones. According to the circular, the entire AUAR area lies within the separation distance recommended by the FAA (5,000 feet for airports serving piston-powered aircraft). Please also see our comments in the next paragraph.

Paragraph 17. Water Quality – Surface Water Runoff

17-21
The AUAR, page 73, discusses some of the proposed mitigation summary efforts that may take place with the proposed development. Table 17-5 indicates pond surface footprints for the differing scenarios. This equates to approximately seven acres for one pond and 25 acres for a second pond. At these sizes, waterfowl will utilize the ponds if they contain open water surfaces. As noted in the comments above, MAC encourages the use of infiltration basins for storm water management, even for areas such as these that lie outside the proposed safety zones. In lieu of infiltration, MAC suggests that any ponds that must contain open water be designed with emergent vegetation to minimize use by waterfowl. As an alternative, the suggestion in the AUAR to design the ponds as a continuous surface water conveyance system along natural drainage routes would be an acceptable alternative, since long and narrow open water passages will help restrict the use by waterfowl.

Paragraph 18. Water Quality - Wastewater

18-2
As part of their review of the long term comprehensive plan update for the Lake Elmo Airport, the Metropolitan Council recommended MAC continue efforts with the City of Lake Elmo and Baytown Township to provide sanitary sewer and water services for the airport. While the proposed alignment for the new sanitary trunk forcemain is not adjacent to the airport, MAC requests that it be sized to handle the limited amount of flow that would come from the airport should it be connected in some manner to the Village system. A typical aircraft storage hangar would only have a toilet and a sink, with usage just a couple of time a week. While we have many aircraft storage hangars, we would certainly not expect all of them to connect should services become available. MAC can estimate the airport contribution in terms of flow and provide that to the city as part of the preliminary design work for the sanitary forcemain. Please keep MAC in the loop regarding this process.

Paragraph 21. Traffic

21-11
This section indicates that the intersection of Manning Avenue and 30th Street will benefit from traffic lights whether or not the Village development moves forward (Table 21-7 on page 105, and table 2 in the executive summary). If the City or Washington County proceed with plans for the installation of a signal at this intersection, the plans must be reviewed by MAC and the FAA prior to installation. The intersection lies in the approach to Runway 4, and the signals need to be designed to not be an obstruction to this approach surface. A Notice of Construction or Alteration form, as noted in our Paragraph 8 comment, must be submitted to the FAA, with a copy to MAC, for a determination to ensure no hazard is created.

21-12
Also note that the reference to exclusive eastbound and westbound turn lanes implies a need for additional road right-of-way. MAC needs to be fairly compensated for any right-of-way taking consistent with federal revenue diversion criteria. If the granting of right-of-way is necessary, and if feasible, the fair-market value for the property would have to be determined by appraisal.

Mr. Kyle Klatt
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Page 4

Thank you for the opportunity to comment on the AUAR document. The Lake Elmo Airport is an important recreational and transportation asset to the City and the region. The MAC looks forward to working with the City through the airport zoning process to make future redevelopment as compatible as possible.

We look forward to meeting with the City staff and its consultants to discuss the concerns within our letter as well as provide the City with additional information to help you with the planned development of the Old Village area.

If you have any questions, please contact me at 612-725-8371 or via e-mail at bridget.rief@mspmacc.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Bridget Rief". The signature is fluid and cursive, with a large initial "B" and "R".

Bridget Rief, P.E.
Assistant Director – Airside Development

Attachment

RECEIVED
12/23/08

Larkin Hoffman Daly & Lindgren Ltd.

1500 Wells Fargo Plaza
7900 Xerxes Avenue South
Minneapolis, Minnesota 55431-1194

GENERAL: 952-835-3800
FAX: 952-896-3333
WEB: www.larkinhoffman.com

December 23, 2008

Mr. Kyle Klatt, City Administrator
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, Minnesota 55042

Re: Lake Elmo Village Area Draft Alternative Urban Areawide Review ("Draft AUAR")

Dear Mr. Klatt:

We represent the Screaton family regarding their property in the Old Village Planning Area in the City of Lake Elmo. The Sreatons own approximately 40 acres situated in the southwest quadrant of TH 5 and Manning Avenue, northwest of Lake Elmo Airport. (the "Property"). The Property is currently in agricultural use.

GC-2 This letter comments on the City of Lake Elmo's ("City") Draft AUAR as it relates to the Property. The Sreatons object to the City's intention to limit development on the Property and ask that the City treat the Property in the same way as other similarly situated properties within the Old Village Planning Area.

9-2 The City intends to work with the Metropolitan Airports Commission ("MAC") to adopt appropriate ordinance restrictions relating to the impacts of the Lake Elmo Airport on the Old Village Planning Area. The Draft AUAR discusses the necessary limitations on development within airport safety zones and noise contours/impact areas. MAC recommends that for planning purposes, those limitations extend to areas within the 60 DNL contour ("Zone 4"). The Property is not within Zone 4. The Sreatons object to any extension of Zone 4 beyond the 60 DNL contour.

If the City were to extend Zone 4 out to the 55 DNL contour, the development options on the Property should include what is allowed under existing MAC guidelines, including multifamily residential development, office and commercial uses, as well as educational, medical and other institutional uses. A mix of uses is most appropriate at the Property, as it is located at the junction of two (2) major City thoroughfares. Mixed-use development on the Property would be easily accessible to residents and visitors and would limit additional infrastructure needs.

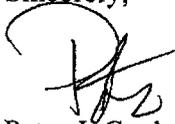
GC-2 The Sreatons also object to the City's expansive "greenbelt" around the Draft AUAR area and specifically on the Property. All development scenarios contemplated in the Draft AUAR propose to locate the greenbelt alongside Manning Avenue, to buffer future development in the Draft AUAR area to the airport. While the Sreatons recognize the importance of maintaining wildlife corridors and open space, all of the development scenarios contemplate retaining forty-seven percent (47%) of the Draft AUAR area in open space and parks. There is no

Mr. Kyle Klatt, City Administrator
December 23, 2008
Page 2

documentation that this amount is environmentally necessary. Such an expansive greenbelt affecting the Property is a regulatory limitation that goes beyond what is necessary to accomplish the stated goals of the Draft AUAR. The Screatons would object to any such designation unless the City acquires the Property.

The Screatons wish to continue to work with the City as the Draft AUAR moves forward. Please contact me if you have any questions.

Sincerely,



Peter J. Coyle, for
Larkin Hoffman Daly & Lindgren Ltd.

Direct Dial: (952) 896-3214
Direct Fax: (952) 842-1704
Email: pcoyle@larkinhoffman.com

December 29, 2008

Kyle Klatt, Planning Director
City of Lake Elmo
3800 LaVerne Avenue North
Lake Elmo, MN 55042

RECEIVED

JAN - 2 2009

CITY OF LAKE ELMO

RE: Lake Elmo Village Area Draft Alternative Urban Areawide Review (AUAR)
Metropolitan Council District 12
Metropolitan Council Review File No. 20393-1

Dear Mr. Klatt:

Metropolitan Council staff completed its review of the Draft Lake Elmo Village Area Alternative Urban Areawide Review (AUAR) to determine its accuracy and completeness in addressing regional concerns. Staff concludes that the Draft AUAR is complete and accurate with respect to regional concerns and raises no major issues of consistency with Council policies. The Council finds issues of which Lake Elmo needs to address.

ISSUES

Item 21 – Traffic (Ann Braden, MCTS, 651-602-1705)

21-2

Regional Impacts of Traffic. The AUAR addresses traffic impacts and mitigation on page 88. Item 21 of the AUAR states that the “analysis must discuss the project’s impact on the regional transportation system.” The AUAR did not address whether traffic impacts would extend to I-694, I-94, and TH 36, which are principal arterials on the regional highway system. It is possible that there will be no discernible impacts on these highways resulting from the development of the Village Area, but the AUAR needs to determine whether this is the case.

Item 21 – Traffic (Scott Thompson, MCTS, 612-349-7774)

21-3

Transit. The AUAR describes existing transit in the project area on page 94. This section is inaccurate. Council staff suggests the following revisions:

- Delete the reference to Metro Transit.
- Include further description of Route 294, including the fact that this route offers weekday rush hour service through the center of the proposed development area in Lake Elmo to downtown St. Paul and to Stillwater.
- The AUAR states that there is one bus stop in Lake Elmo. Route 294 also has a timepoint and bus stop at Highway 5 and Lake Elmo Avenue, but this route has many (32 to be exact) bus stops within the City of Lake Elmo. See attached for bus stop listings and a map.

ADVISORY COMMENTS

Item 9 – Land Use (Jan Youngquist, Parks, Community Development, 651-602-1029)

GC-2

Regional Park Buffer. The southwest portion of the AUAR area abuts Lake Elmo Park Reserve and is considered a Regionally Significant Natural Resource Area of outstanding quality. It appears that no development is proposed for this area, as the AUAR classifies this as part of the Existing Old Village Open Space. Council staff recommends that this area be retained as open space to buffer the regional park reserve from the future developed area.

Item 9 - Land Use; Item 24 - Dust, Air, and Noise Impacts; & Item 28 - Impacts on Infrastructure and Public Services (Chauncey Case, MCTS, 651-602-1724)

9-3

Aviation & Lake Elmo Airport. The AUAR adequately discusses all the aviation system planning considerations and identifies appropriate planning process or mitigation measures concerning airport safety zoning, aircraft noise, compatible land uses, and local infrastructure development.

The AUAR notes the 2025 Long-Term Comprehensive Plan (LTCP) Update for the Lake Elmo Airport by identifying it as a reasonably foreseen future action. The AUAR needs to reflect that the Metropolitan Council, on October 22, 2008, approved the LTCP. The approved LTCP included the development alternative preferred by the Metropolitan Airports Commission as addressed in the AUAR.

Item 9 – Land Use (Lisa Barajas, Community Development, 651-602-1895)

27-1

Comprehensive Plan Update or Amendment. Council staff advises the City that if the City chooses to implement Scenario A, B, or C, the City will need to include the chosen Scenario in their 2030 comprehensive plan update or submit a comprehensive plan amendment to the Metropolitan Council for review.

Item 11 – Fish, Wildlife, and Ecologically Sensitive Resources (Jim Larsen, Community Development, 651-602-1159)

GC-2

Protection of Sensitive Areas. The AUAR states that all of the development scenarios propose to protect the majority of primary and secondary ecologically sensitive resource areas within the AUAR area, with the exception of sensitive woodland and wetland areas adjacent to Reid Park. Council staff concurs with the document’s recommendation that consideration be given to modifying the AUAR Buffer Zone or City Greenbelt to include those sensitive areas that are not currently protected, as a part of future Village development decisions.

Item 18 – Water Quality - Wastewater (Roger Janzig, MCES, 651-602-1119)

27-2

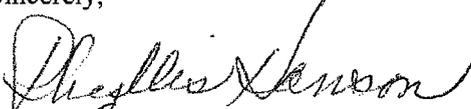
Level of Wastewater Services. The AUAR proposes to construct from 600 to 1,600 dwelling units between four different development scenarios. All four scenarios include 300,000 square feet of commercial space; 150,000 square feet of office space; and 200,000 square feet of institutional space. The City’s current comprehensive plan indicates that a total of 1,100 dwelling units will be served in the Village Area by 2030. Any level of service above the 1,100 RECs

December 29, 2008
Kyle Klatt, Planning Director
Page 3

would first require that the City submit a comprehensive plan amendment (CPA) to the Metropolitan Council for review and approval showing this added level of service or that this additional service is included in the City's 2030 Comprehensive Plan Update.

The Council will not take formal action on the Draft AUAR. If you have any questions or need further information, please contact me at 651-602-1566.

Sincerely,



Phyllis Hanson, Manager
Local Planning Assistance

Attachments

CC: Crystal Carlson, MHFA
Tod Sherman, Development Reviews Coordinator, MnDOT - Metro Division
Sherry Broecker, Metropolitan Council District 12
Keith Buttleman, Environmental Services
Lisa Barajas, Sector Representative
Cheryl Olsen, Reviews Coordinator

LAKE ELMO BUS STOPS

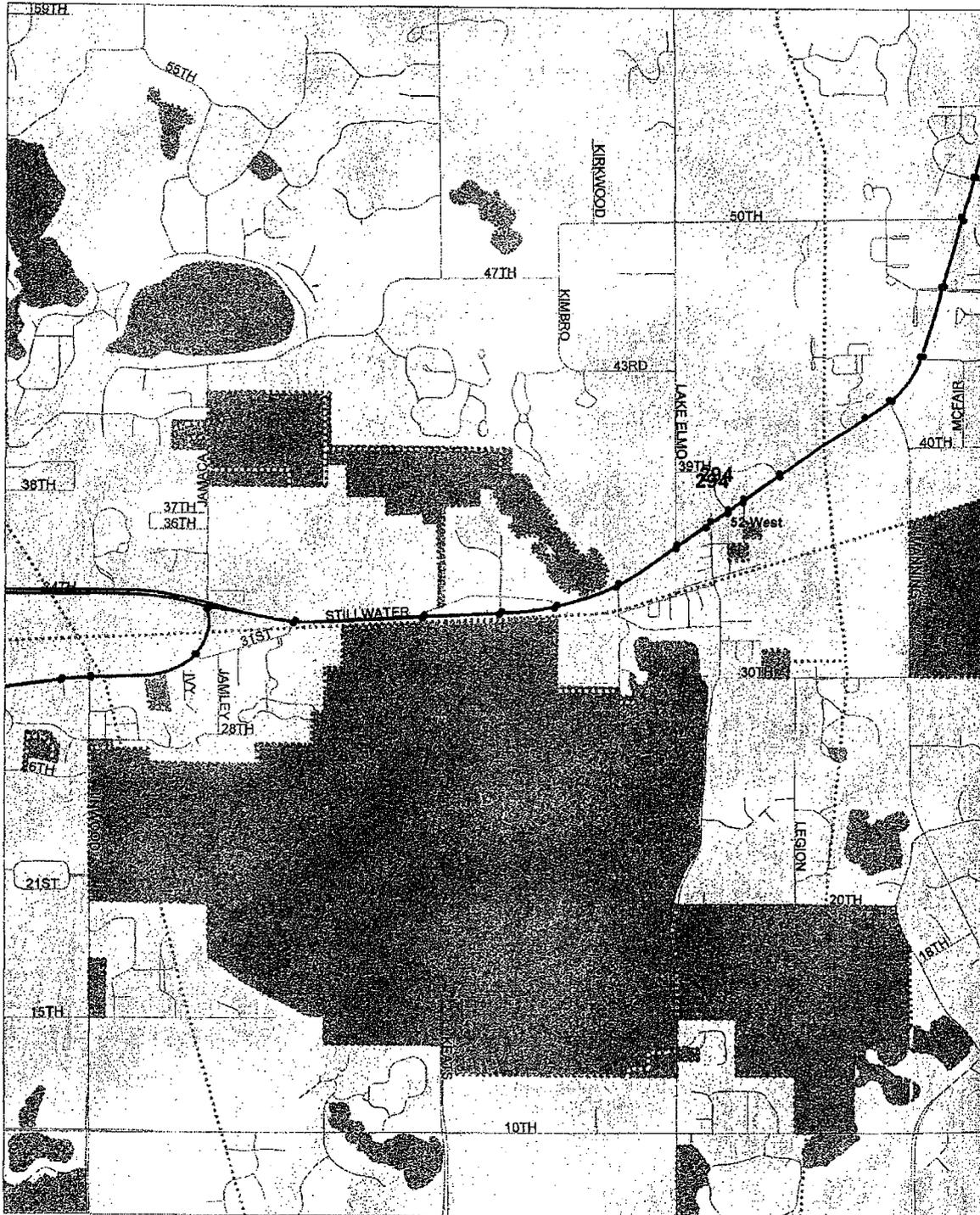
1/29/08

Eastbound

Route 294 On Street	At Street	Location
Stillwater Blvd N	Innsdale Av	nearside
Stillwater Blvd N	Inwood Av N	farside
Stillwater Blvd N	31 St N	farside
Stillwater Blvd (Hwy 5)	Hwy 5 (34 St N)	nearside
Stillwater Blvd (Hwy 5)	31 St N	nearside
Stillwater Blvd (Hwy 5)	Stillwater Lane (W)	nearside
Stillwater Blvd (Hwy 5)	Kelvin Av N	nearside
Stillwater Blvd (Hwy 5)	Stillwater Lane (E)	nearside
Stillwater Blvd (Hwy 5)	Klondike Av N	across from
Stillwater Blvd (Hwy 5)	Lake Elmo (W)	across from
Stillwater Blvd (Hwy 5)	Lake Elmo (E)	nearside
Stillwater Blvd (Hwy 5)	Laverne Av N	nearside
Stillwater Blvd (Hwy 5)	Layton Av N	nearside
Stillwater Blvd (Hwy 5)	39 St N	across from
Stillwater Blvd (Hwy 5)	Manning Av N	farside

Westbound

Route 294 On Street	At Street	Location
Stillwater Blvd (Hwy 5)	Marquess Trail	nearside
Stillwater Blvd (Hwy 5)	Manning Av N	across from
Stillwater Blvd (Hwy 5)	Lutheran Cemetery	nearside
Stillwater Blvd (Hwy 5)	39 St N	nearside
Stillwater Blvd (Hwy 5)	Layton Av N	nearside
Stillwater Blvd (Hwy 5)	Laverne Av N	nearside
Stillwater Blvd (Hwy 5)	Lake Elmo (E)	across from
Stillwater Blvd (Hwy 5)	Lake Elmo (W)	across from
Stillwater Blvd (Hwy 5)	Klondike Av N	nearside
Stillwater Blvd (Hwy 5)	Stillwater Lane (E)	nearside
Stillwater Blvd (Hwy 5)	Kelvin Av N	nearside
Stillwater Blvd (Hwy 5)	Stillwater Lane (W)	nearside
Stillwater Blvd (Hwy 5)	31 St N	nearside
Stillwater Blvd (Hwy 5)	Hwy 5 (34 St N)	farside
Stillwater Blvd N	31 St N	nearside
Stillwater Blvd N	Inwood Av N	nearside
Stillwater Blvd N	Innsdale Av	nearside



Kelli Matzek

From: Steve DeLapp [REDACTED]
Sent: Sunday, December 28, 2008 9:25 PM
To: Kyle Klatt; Kelli Matzek
Cc: Judith Blackford; David Steele
Subject: Fw: AUAR input

Kyle and Kelli,

I think I can help Judy out with her thoughts by directing them to you. (In case one of you is on vacation, I am double-covering.) Please add the attached e-mail to the official comments.

Now I need to sit down and get my own typed up, as well as comments on the adjacent Comp Plans.

Thanks very much,

Steve

Judy,

Since your comments are now in the "public domain", I have taken the liberty to share them with David Steele, who I'm sure will be appreciative of your attention to this issue, and your ongoing care of our natural resources.

Steve

-----Forwarded Message-----

From: Judith Blackford
Sent: Dec 28, 2008 7:25 PM
To: Steve Delapp
Subject: AUAR input

Steve, I am incredibly lost as to how to use my current server to give input on the AUAR. Is there anyway you can pass this on so that it gets attached.

I apologize for giving cursory and late input on an issue so vital to our community, especially since I have been appointed to protect and be a steward of our natural wild places and our wildlife on this issue. My comments are broad and go to the intent of this document.

Kyle presented this as an agenda item but without specific reference to any areas, asking that we individually research this and submit input, so here goes:

MP-1 My only comment is that in using this AUAR tool, that "mitigate" not be used in a legalize fashion to remedy actions that dishonor all of the efforts of our citizens to date...that being to keep, protect, and preserve the wildlife and habit that we have and to ensure that these wild things that have no voices are "heard" through this document. "Mitigate" can mean whatever someone wants it to mean, and Kyle could not define for me what it would mean in this document, which makes me very, very worried for the future.

I'm a steward of our resources, and so an AUAR should keep as its priority preserving exactly what we have so that the eagles, the blanding's turtles, hawks, frogs, songbirds,

coyotes, turkeys, etc., that call the prairies, ponds, fields, trees, flowers, etc., "home" can keep calling those lands home. It doesn't mean encroaching on all of these lands, trashing them, and then putting some kind of swing set somewhere and hoping an eagle won't mind the density and will still call it "home". Sometimes exaggerating comes closer to the truth of what will happen if no one speaks up.

Remember what we have here in Lake Elmo. Remember we just approved a MN Land Trust for one of our jewels. Remember that each tiny bit of wild (all those parklands currently in the Village and the wild spaces) is sacred and special to something wild in each of us and our more wild brethren, and keep the document a document of artistic beauty that Lake Elmo citizens have come to expect from the current appointed and elected officials. Lay the groundwork, the grid work, so that the next Council will follow in the legacy that you have shaped...the jewel that you have crowned on this beautiful Village. You are going to create something beautiful!

Sincerely and respectfully and with great thankfulness for the individuals who are at the helm in creating this...I feel really good about this and each of you! Thank you!

Judith Blackford, LE Parks Commissioner/resident



Public Works Department

Donald J. Theisen, P.E.
Director/County Engineer

Wayne H. Sandberg, P.E.
Deputy Director/Assistant County Engineer

December 30, 2008

Kyle Klatt
Planning Director
City of Lake Elmo
3800 LaVerne Avenue North
Lake Elmo, Mn 55042

RE: Lake Elmo Village Area Draft Alternative Urban Areawide Review (AUAR)

Dear Mr. Klatt

21-1
The Washington County Public Works staff has received the Draft AUAR, for the Lake Elmo Village Area along with responses from Washington County's earlier review of the Draft Traffic Analysis section dated November 13, 2008. All comments have been adequately addressed. The county looks forward to the development of an efficient network of roads throughout the Village as development and redevelopment occurs along County roads. We will continue to identify roadway right-of way needs for future expansion of the county road system.

The Lake Elmo document appears to adequately address land use, environmental concerns including groundwater issues, and addresses potential conflicts with the Lake Elmo Airport. Washington County, the City of Lake Elmo, Baytown Township and West Lakeland Township county will continue to collaborate with the Metropolitan Airports Commission on the future of the Lake Elmo Airport.

Thank you for the opportunity to comment on the Lake Elmo AUAR.

Please consider these comments as you finalize the Village AUAR. If there are questions on these comments, please contact Ann Pung-Terwedo, phone: 651-430-4362; e-mail: ann.pung-terwedo@co.washington.mn.us.

Sincerely,

Ted Schoenecker
Transportation Planning Manager

Cc: Don Theisen, Director, Washington County Public Works
Wayne Sandberg, Deputy Diector, Washington County Public Works
Dennis O' Donnell, Senior Planner
Amanda Strommer, Program Manager, Washington County Public Health

Kelli Matzek

From: Marjorie Williams [REDACTED]
Sent: Tuesday, December 30, 2008 10:11 PM
To: AUAR Draft Comments
Subject: AUAR comments
Attachments: Comments on AUAR 12-08.doc

Please see the attached document. Please inform me when you have adequately received and opened the document, to be sure you can read it. Thank you.
Todd Williams

Comments on AUAR

6-1 p.v, table I: How can Scenario A with 600 “new housing” have more “new residential” (32%) than Scenario D with 906 “new housing” (11%)? The only way is for D to have much more concentrated development. This can be good, if it means more affordable housing. However, there is no guarantee of this, so be careful to look behind the simple area numbers. All the other scenarios could concentrate housing more in line with D.

21-5 p.vi, Tables: What has MNDOT said about stoplights on TH5? No verbal statements should be accepted. Accept ONLY a WRITTEN statement or plan which allows these. Without such written plan, no new development in Old Village should be allowed. Then, the developers will exert pressure on MNDOT and likely succeed where LE has not been able to these many years.

13-1 p.vii, water system: When is new Water Plan to be completed? Does it include considerations for south of 10th St? How will that impact overall capacity? Only Scenario A allows the minimum of new wells.

17-1 p.ix, surface water: Who will pay for these water basins? What controls does LE have for setting aside the areas for these? These are good thoughts, but no one has come up with the money in 4 years since 2004, or since even earlier, similar proposals.

Table 17-3: This should include the runoff numbers if only one or neither of the proposed basins is constructed.

Scenario D: Although the Council can take refuge by having the City Attorney’s opinion about the number of housing units called for in the existing Comp Plan, it must be remembered that many people disagree with the Attorney’s opinion. The only reason it still stands is that no regular citizens want to spend the money to take the matter to court. But someday, that issue might wind up in court. So, beware!

6-2 Table 6-5: This timetable is extremely aggressive, given the current state of the economy, especially the housing market. There is not sufficient recognition of the state of the economy in the AUAR. The timetable implies many financial considerations, even though the AUAR supposedly does not deal with finances.

9-4 p.22, land use compatibility: No mention is made of the fact that lower total development units will mean lower population and hence lower impacts of all kinds: traffic, noise, congestion, impervious surface, etc.

GC-2 p.28, land cover: Scenario D has significantly less impact than other scenarios, but only because housing is denser. Applying this denser housing type to Scenario A would result in even less impact.

21-4 p.94, existing transit: there is at least one other marked bus stop, at Laverne and TH5.

21-6 Traffic Analysis Section: Please give extra attention to specifying now the location for one or more park and ride lots AND for a really good trail system which will encourage bicycle traffic as an alternative to car traffic. Currently, there is no such encouragement.

MP-2 p.127: "The city will work with a variety of public and private partners to establish the greenbelt/buffer" In order for this to happen, there must be adequate legislative controls in place BEFORE the time comes. But the AUAR does not even mention this. These controls must be created before development occurs, or the City will lose out to the developers.

28-1 p.139, private utilities: No mention is made of the cable provided by Comcast or of the cellular phone services and their required infrastructure. More and more people are using these utilities as alternatives to the traditional service offered by Qwest.

9-4 p.143, land use: Clearly, the AUAR shows that the scenarios with lower total population increase have the lower impacts. This is especially true of impacts on existing residents. This is also especially true of the noise impacts (Item 24).

GC-2 p.146ff: Zoning controls should encourage denser housing development (such as shown in Scenario D), as well as lower total numbers of added people (such as shown in Scenario A), in order to preserve as much open space as possible.

Item 21, Transportation: In order to get stoplights at Co17 and TH5 intersections, the City must mount a concerted effort to lobby MNDOT. Use the traffic analysis from the AUAR as ammunition. The stoplights will not happen by themselves! The City must mount and keep applying political pressure.

E-Mailed December 31, 2008

Kyle Klatt
Planning Director
City of Lake Elmo
3800 LaVerne Ave. N.
Lake Elmo, MN 55042

RE: Lake Elmo Village Area Draft Alternative Urban Areawide Review

Dear Mr. Klatt:

Thank you for the opportunity to review and comment on the draft Alternative Urban Areawide Review (AUAR) for proposed development in the Lake Elmo Village Area. Regarding matters for which the Minnesota Pollution Control Agency (MPCA) has regulatory responsibility and other interests, the MPCA staff has the following comments.

Permits and Approvals

8-1

Table 8-1 Major Permits and Approvals on page 10 of the draft AUAR identifies the need for a U.S. Army Corps of Engineers (USACE) Clean Water Act (CWA) Section 404 Permit. Please be aware that if a CWA Section 404 Individual Permit is required by the USACE for any development related activities, then an MPCA CWA Section 401 Water Quality Certification must also be obtained as part of the permitting process. The Section 401 Water Quality Certification ensures that the activity will comply with state water quality standards. Any conditions required within the MPCA 401 Certificate are then incorporated into the USACE 404 Permit. You can find additional information on the MPCA's 401 Certification process at www.pca.state.mn.us/water/404.html.

Contaminated Properties

9-5

The draft AUAR identifies several properties within or near the AUAR study area with actual or potential soil and/or ground water contamination. State law requires that persons properly manage contaminated soil and water they uncover or disturb - even if they are not the party responsible for the contamination. Developers considering construction on or near contaminated properties should begin working early in their planning process with the MPCA's Petroleum Brownfields Program and/or the Voluntary Investigation and Cleanup Program to receive necessary technical assistance in managing (investigating, remediating, mitigating, etc.) contamination. For some properties, special construction might be needed to prevent the further spreading of the contamination and/or prevent petroleum vapors from entering buildings or utility corridors. Information regarding the Petroleum Brownfields Program can be found at: http://www.pca.state.mn.us/programs/vpic_p.html#factsheets. Information regarding the VIC Program can be found at: <http://www.pca.state.mn.us/cleanup/vic.html>.

Surface Water Management

8-2

Lake St. Croix, a receiving water for runoff from the AUAR area, is included on the 2008 303(d) Total Maximum Daily Load (TMDL) list of impaired waters as being impaired for aquatic recreation due to eutrophic conditions. Under the CWA, this impaired status requires that a TMDL study and implementation plan for the lake be completed, and the MPCA is currently working on a plan for doing this. Once an implementation plan is in place, targeted for 2011, waste load allocations will be given out to permitted sources throughout the watershed, including the city of Lake Elmo. With this in mind, the city should take all possible measures during development to reduce or eliminate phosphorous and sediment loading to Lake St. Croix. Steps should also be taken to minimize loading to wetlands and other lakes to prevent them from being listed as impaired. It should also be noted that a Lake Pepin TMDL implementation plan is currently in the process of being formulated, which could include a load allocation for the city of Lake Elmo.

17-8

Finally, as a more general comment on planning for development, we would like to note that higher density developments with increased amounts of open space create the least amount of environmental impacts and facilitate more ready mitigation of those impacts that do occur. Such high density, low impact development should be encouraged whenever possible. The MPCA advocates the use of Low Impact Design (LID) practices to aid in the minimization of stormwater impacts. LID is a stormwater management approach and site-design technique that emphasizes water infiltration, values water as a resource and promotes the use of natural system to treat water runoff. Examples include:

- Special ditches, arranged in a series, that soak up more water
- Vegetated filter strips at the edges of paved surfaces
- Residential or commercial rain gardens designed to capture and soak in stormwater
- Porous pavers, concrete and asphalt
- Narrower streets
- Rain barrels and cisterns
- Green roofs

Additional information on LID practices can be found on the MPCA website at:
<http://www.pca.state.mn.us/water/stormwater/stormwater-lid.html>.

Wastewater

18-1

The discussion in the draft AUAR regarding wastewater appeared to adequately address the main issues, and flow estimates based on land use seem reasonable. However, it was unclear to us in our review of the document whether downstream sewer lines have adequate capacity for this development. In the final AUAR, please include a discussion of this for each development scenario. Include any necessary discussion of plans for expansion or addition of downstream capacity.

Please be aware that this letter does not constitute approval by the MPCA of any or all elements of the project for the purpose of pending or future permit action(s) by the MPCA. Ultimately, it is the responsibility of the project proposer to secure any required permits and to comply with any requisite permit conditions. If you have any questions

about the impaired waters or TMDL studies, please contact Christopher Klucas at 651-757-2498. Questions concerning wastewater may be directed to Corey Mathisen at 651-757-2554. If you have any other questions or need for environmental review assistance, please call me at 651-757-2328.

Sincerely,

Jessica Ebertz
Environmental Review Coordinator
Environmental Review and Feedlot Section
Regional Division

cc: Chris Klucas, MPCA, St. Paul
Corey Mathison, MPCA, St. Paul
Craig Affeldt, MPCA, St. Paul

Kelli Matzek

From: [REDACTED]
Sent: Wednesday, December 31, 2008 12:32 PM
To: AUAR Draft Comments
Subject: comments on AUAR

I would like the following comments to be included in the public comments on the AUAR.

215

p.vi, Tables: Has the city received a written statement from MNDOT about the stoplights on TH5? Without a written statement there is no plan.

17-1

p.ix, surface water: Who will pay for these water basins? The current residents should not have to pay for these and that is not spelled out. How will Lake Elmo set aside the areas for these? Are there runoff numbers for the basins?

13-1

p.vii, water system: What is the new Water Plan? Has it been published?

Scenario D; Can the city be taken to court over the city attorney's opinion regarding the number of housing units? Should the city get a second opinion since this is such an important matter?

6-2

Table 6-5: This timetable implies financial considerations and the AUAR supposedly does not deal with finances. There is no consideration of the economy we are in at the present time and this timetable is extremely aggressive. Please reconsider.

MP-2

p 127: What legislative controls or ordinances are in place for the "variety of public and private partners to establish the greenbelt/buffer"? This is not discussed and needs to be done before any development can occur.

GC-2

p146ff: We want to preserve as much open space as possible and have a lower number of added people. What ordinances do we have for this?

Ann Bucheck

[REDACTED]

[REDACTED]

ph 651-770-1730

Kelli Matzek

From: [REDACTED]
Sent: Wednesday, December 31, 2008 1:51 PM
To: AUAR Draft Comments
Subject: Village AUAR comments

I previously submitted comments on the AUAR during the Preliminary Draft phase. I would like those comments to be considered for the official comment period now. The majority of those comments still apply since there has been very little change to the stormwater section. The mitigation plan for stormwater continues to lack any specific actions, standards, or commitments that are enforceable to ensure stormwater impacts of urbanization are managed to prevent impacts. It is understood that the city may address stormwater in the future through updates to its city-wide surface water management plan, but that does not change the fact that the current AUAR process cannot be used effectively until one of the major environmental impacts, stormwater, is fully explored and addressed. It seems the AUAR is unfinished and the analysis will be much more useful for the city once the stormwater portions are addressed.

The concerns related to stormwater in the Village AUAR can be put into four broad areas:

- 17-3 1. The AUAR does not state the problem. The AUAR does not identify, acknowledge, quantify, nor fully discuss the magnitude of the stormwater issue related to the proposed development.
 - 17-4 2. The AUAR does not differentiate between development scenarios and treats them the same. The difference between stormwater impacts of 600 units compared to 1,600 units (2.7 more units) is not trivial nor is it quantified or discussed.
 - 17-5 3. Local Downs Lake existing flooding problems and potential of additional flooding impacts due to proposed urbanization are not discussed nor analyzed.
 - 17-6 4. Proposing discharges to the St. Croix River, both from the perspective of negative impacts to this regional asset (undesirable outcome of development) and the regulatory environment that is making new discharges to the river much more difficult.
- 17-7 Regarding the firsts two points (problem not stated and development scenarios not differentiated), I think it is fairly self explanatory. I would also note that there are several references in the document discussing existing conditions that mention agricultural ditches and tile lines. These are significant features in terms of existing hydrology, but in fact, I do not think there are any ditches nor tile lines in the AUAR area of Lake Elmo. This indicates a lack of understanding of the area and the existing conditions, which should serve as the benchmark for any future management. Not showing the differences between the various scenarios begs the question why are several scenarios being reviewed and analyzed to compare impacts but then they are "lumped together" and not addressed seperately.
- 17-5 Downs Lake flooding has been a concern for the city and watershed district (VBWD). The addition of 600 to 1,600 units has a potential impact for this problem. It is not discussed, acknowledged, nor addressed in the mitigation plan. VBWD has a very modest, generic volume control standard that does not nor was it intended to address flooding in Downs Lake nor other landlocked areas. As discussed in previous comments, VBWD staff has told me that they have a very small outlet that they typically leave closed. The small outlet does not prevent flooding, but helps lessen the duration of existing flooding. With lots of additional runoff (the issue of runoff volume) from urbanization, one would expect this system would be further impacted and more flooding would occur. This seems like a very big deal for the city but it

is not discussed nor addressed. Mention of peak flow control is made, but in a largely landlocked basin, runoff volume is much more important than peak runoff rates

17-6

Regarding the St. Croix River, it was helpful and appreciated that the draft now incorporates some language about the St. Croix River and the sensitive nature of that high quality water resource. There are recent trends alluded to toward more stringent requirements now being incorporated to reduce impacts to the river. Therein lies one of the major challenges of urbanizing in this area of Washington County. The Village area is basically landlocked (no natural outlet) currently and therefore does not contribute stormwater volume nor pollutants to the St. Croix River, i.e., the discharge to the river is virtually zero (0). With the goal to reduce existing loadings to the river, it is not easy to see how a new discharge from this area (>0) would be easily permitted. The AUAR mitigation plan mentions the MS4 requirement "...to determine if there are feasible and prudent alternatives to the discharge, such as diversion from the St. Croix River watershed, infiltration, or other

alternatives." Knowing the area and sensitivity to crossing over watershed divides, a watershed diversion seems likely to not be feasible. Infiltration management needed to reduce the runoff to the St. Croix to no discharge (preserve landlocked conditions) would take a more aggressive and extensive effort with new standards, but they are not presented in the AUAR. In fact, the AUAR consultant in the recent past has stated in a similar geology and setting in Woodbury, that infiltration is not a feasible alternative for landlocked areas. Lastly, the language mentions "other alternatives" but the AUAR does not discuss what those might be or if there are any feasible "other alternatives."

There are other concerns aside from the stormwater, but the stormwater seems to be one major missing component in fully understanding the environmental impacts, which is the stated goal of this document.

21-7

Regarding the traffic analysis (which does try to differentiate between scenarios), it seems the background assumption of steady traffic growth through the city, regardless of any development in the village raises some questions. With such large upgrades needed for "background" traffic growth, it seems to minimize (or "swamp out") the impacts of the various proposed scenarios. This could be misleading.

21-8

I question the background traffic growth assumptions and feel scenarios, without that assumption should also be analyzed. It seems that the city could promote traffic calming devices and methods to make the highway 5 corridor less desirable as a "short cut" and therefore would reduce the "background" traffic that is assumed in the model. I am not sure if future highway 36 corridor upgrades are considered here which could have similar effects.

6-3

In terms of visualizing the four scenarios, it seems reasonable to have a map showing the extent of the development for the various scenarios. Unless significantly different densities are assumed for residential development, it seems the different development scenarios would encompass different areas. It would be more accurate and representative to show those.

Thank you for the opportunity to provide comments on this document.

Brett H. Emmons
Resident of Lake Elmo



December 31, 2008

Kyle Klatt
Planning Director
City of Lake Elmo
3800 LaVerne Ave. N.
Lake Elmo, MN 55042

RE: Lake Elmo Village Area Draft Alternative Urban Areawide Review

Dear Kyle;

Thank you for the opportunity to review the above-mentioned AUAR. WCD staff anticipate working closely with the City of Lake Elmo during the development process to help minimize long-term adverse environmental impacts. Staff are also available to provide additional design technical assistance to further enhance the resource management components of the project.

The purpose of AUAR is to identify, address, and mitigate cumulative impacts of development. AUAR should assess potential cumulative impacts of planned activities and foreseeable impacts should be fully addressed. The WCD review focuses on wetlands, erosion and sediment control, natural area management and stormwater management. Based on this review the WCD offers the following comments:

Section 8 – Permits Required

17-9 The AUAR should acknowledge the potential permit and stormwater management implications of Total Maximum Daily Load (TMDL) studies for Lake Saint Croix and Lake Pepin.

Section 9 – Land Use

12-1 The WCD encourages the use of the VBWD's wetland inventory with function and value assessment to assess and minimize potential wetland impacts.

Section 10 – Cover Types

The MLCCS is updated based on 2005 aerial photography.

Section 11 – Sensitive Resources

11-1 A more detailed evaluation/interpretation of the quality of the woodland area may prove useful when evaluating habitat impacts of proposed development(s). Recognition that the minimization of impacts to forests and other natural cover types will reduce overall stormwater impacts is encouraged.

11-2 For natural areas that are protected, identification of management and funding strategies to facilitate mitigation strategies such as invasive species control is encouraged.

Section 12 – Impacts to Water Resources



12-3

Full sequencing and WCA/Watershed permits will be required for wetland impacts associated with this project and will be evaluated as the permit process evolves. However, additional evaluation of potential direct and indirect impacts to wetlands and water resources is encouraged. For example, the AUAR provides minimal discussion of wetland avoidance and impact minimization. Potential indirect impacts of stormwater runoff are not evaluated in great detail as well.

Item 16 – Erosion

16-1

Enhanced soil erosion and sediment controls are needed to protect downstream resources, especially when downstream areas will be used for stormwater retention and infiltration. Grading should be minimized to protect existing high infiltration capacity soils. Preservation of existing topsoil and soil structure is encouraged to the extent possible.

Additional suggested BMPs:

- Minimize exposed soils. Phase grading of the site.
- Avoid compaction of soil disturbance in areas with high infiltration capacity soils.
- Avoid grading and exposure of soils on steep slopes.
- Divert construction site runoff away from proposed retention and infiltration BMPs
- Conduct regular inspections (in partnership with the VBWD) and enforce compliance with the NPDES permit.

Section 17 – Water Quality

17-10

Mitigating potential impacts to downstream water resources are a significant component of this AUAR. MPCA ORVW, MS4, and TMDL requirements may impact the mitigation strategies. Accordingly, procedures for updating/revising the mitigation plan should be considered.

17-11

The AUAR contains information about runoff CN assumptions. The presumption that single-family residential has a lower curve number than row crops does not take many factors into consideration (such as post-development loss of topsoil, more efficient conveyance, and soil compaction).

17-12

An evaluation of pre and post-development runoff volume would provide important information to fully assess the long-term impacts of the proposed activities.

17-13

The WCD encourage evaluation of additional volume control techniques in addition to infiltration practices such as: impervious area reduction, vegetated drainage systems, impervious disconnection, soil compaction mitigation, natural area protection, and other techniques.

17-14

The stormwater impact of road improvements may be significant and should be evaluated more fully as part of this AUAR. Further, it appears that road improvements and overall impervious impacts would be the



same for all development scenarios. There appear to be significant footprint reduction (and reduction in associated natural resource impacts) opportunities for the lower-density scenarios.

17-15

Overall, additional information would be beneficial to adequately assess the potential for cumulative impacts to downstream receiving waters. The AUAR appears to defer to future changes to the SWPPP to meet ORVW and other requirements. The WCD encourages the integration of the SWPPP update into the AUAR process so the impacts and proposed mitigation strategies can be fully assessed.

Mitigation Strategy

GC-3

It is encourage that the mitigation plan identify a funding strategy for all municipality-led activities

17-16

The AUAR supports the use of Low Impact Development (LID) approaches. As a stormwater management approach, the goal of LID (according to the Prince George's County LID Manual) is to mimic natural hydrology in a post-development scenario. In CN terms, this equates to a CN in the low 50s (woods on B soils). Defining LID for the purposes of this AUAR is suggested to clarify design implications for future development proposals.

Conclusions

The Washington Conservation District appreciates the opportunity to review this AUAR. Additional assessment would be beneficial to fully assess the potential cumulative impacts of the proposed development. The WCD can provide additional technical support to the City to develop a strategy to minimize long term environmental impacts. Please call me at 651.275.1136, extension 20, if you have any questions about our review.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jay Riggs', with a stylized flourish at the end.

Jay Riggs, CPESC, CPSWQ
District Manager

Kelli Matzek

From: Steve DeLapp [REDACTED]
Sent: Wednesday, December 31, 2008 4:45 PM
To: Kelli Matzek
Cc: Kyle Klatt
Subject: AUAR Comments
Attachments: Comments on Lake Elmo Village Area Draft AUAR dated Nov.doc

Kelli,

You've got my best effort for over the Holidays. I do not appreciate the requirement that residents were more or less forced to respond during a time when we should all be otherwise occupied. It's not your fault of course.

Sorry I didn't end up with enough time to check my comments or perhaps organize them better.

Thanks Steve

Steve DeLapp
[REDACTED]
[REDACTED]

Comments on Lake Elmo Village Area Draft AUAR dated Nov. 13, 2008

My comments relate to the following:

- 27-3
1. Non-compliance of the AUAR with requirements of the Metropolitan Council
 2. Variance with the minimum expectations of the residents of Lake Elmo
 3. The failure to adequately scope out key environmental concepts, by hiding behind inadequate requirements by the EQB and by choosing to place politically motivated expectations over science.

As most everyone knows from ample experience with government regulators, the drug industry, and the development business, whomever pays the fees for a consultant's time, is presumed to be heavily influence the outcome of reports. "You just don't announce it."

As a second concern is that several council persons supported the study of 1,000 – 1,160 d.u. when the Metropolitan Council stated that only up to 1,100 REC's can be transferred from what they call their the Freeway District. The City Administrator stated that "all REC's used will be counted", although she did not contact the Met Council for a reinterpretation. I did contact Guy Peterson of the Met Council and he said that 1,100 was the limit, as did Peter Bell in note to the City about a year ago.

A majority of the Council members have stated publically that the determination of the size of the expansion area of the Old Village will be based on the AUAR, not:

On the will of the residents

A real marketing study (the City has lost at least 3 prominent retail/service outlets in the past year)

Concern for the size of the Green Belt

Concern about the placement of housing in undesirable locations.

The true impacts of traffic by increasing the housing in the Village area from 192 to potentially 1,600 plus.

The negative impact on all the existing residents quality of life. Unfortunately, the quality of life for snail darters and white footed ferrets is rated more important than the quality of life for voters in the City.

27-3 **Item No. 1 - Unacceptable Housing Unit Densities in Two of 4 Scenarios**

Background

Lake Elmo is under orders of the Met Council to provide a minimum of 3 units per gross acre of newly developed land as a condition for being able to transfer some of its mandated REC's from south of 10th Street to the Old Village. This is reflected in the Comprehensive Plan, but since the start of the Old Village planning process for addressing the potential for expansion into some of the existing 950 acre Green Belt, higher housing densities have been considered essential to the creation of a "walkable" city center, and maintaining a viable and visible green belt.

Scenario A (600 d.u. on 1,275 total acres x 32% = 408 gross acres for housing)

The Met Council requires 3 d.u. per gross acre. **This scenario has just under 1.5 d.u. per gross acre.**

Scenario B (1000 d.u. on 1,275 total acres x 32% = 408 gross acres for housing)

The Met Council requires 3 d.u. per gross acre. **This scenario has just under 2.5 d.u. per gross acre.**

Scenario C (1,600 d.u. on 1,275 total acres x 32% = 408 gross acres for housing). This scenario has just 3.9 housing units per gross acre. If implemented, with 200 apartments at 20 d.u. per gross acre, 400 townhouses at 10 per gross acre, the remaining 458 acres will include 1000 single family d.u. at a low suburban density of 2.8 units per gross acre. This is substantially below the density anticipated by the hundreds of residents participating directly in the Old Village Expansion Process and completely at variance to what was advertised to the residents for the first 14 ½ years of planning. The residents have been adamant that they do not want to see any more “Woodbury” in Lake Elmo. Actually, this would create a near duplicate of 9 “Carriage Stations” for the single family housing in the City, something is very inappropriate for a downtown.

Scenario D (7 acres @ 14.5 d.u. per acre, 45 acres @ 5-6 d.u. per acre, 77 acres @ 3-4.4 d.u. per acre – info. from pages III-4 and II-5 and table on III-7 of 2006 Comp Plan) This results in (100 high density d.u.) + (225-270 medium density d.u.) + (231-339 low density d.u.). In summary, this is a range of 556 d.u. to 709 d.u. on 129 acres, or a range of between 4.3 to 5.5 d.u. per acre. The range is based on a stated range of 440 to 600 total dwelling units, plus “free” units for special needs occupancies.

According to a gross misrepresentation of the 2006 Comp Plan, which claims on Table 6.3 of the AUAR, to require 904 total new d.u. (a number that does not show up once in the entire Comp. Plan), on 129 acres, there would be 7 d.u. per gross acre. This is an absurdly high number of units per acre, never contemplated by anyone living in the City and strongly opposed by a heavy majority of residents, based on extensive public input.

6-4 Item No. 2 - Walkable City fails in AUAR

Since the conception of the idea of clustering development tightly around the Old Village in 1993, the basic design premises included the following:

Walkable City (i.e. maximum 1 mile diameter for developed land inside the green belt for all new housing and infrastructure within a defined “Walkable City”.)

The planners retained by the City got the drawing scale wrong, and mistakenly thought that the one mile distance from Manning Avenue to Lake Elmo Avenue (north of Stillwater Blvd.) was ½ mile. I pointed out the error in private, prior to the presentation,

and because nothing was stated, reluctantly restated the error in public during the presentation. Obviously, this is something highly embarrassing to the consultants who verified the error to me before the presentation. The AUAR consultants chose not to correct the error by educating the Council on this fundamental "Walkable City" concept and instead proceeded as if all was correct. I was unable to explain this to the Council Members, who chose remain oblivious to the basic planning rule, one that is well understood by anyone who has "walked a mile for a Camel".

29-1 **Item No. 3 - Assumption of a Substantially Altered Initial Landscape**

Pre-white settlement, there were no unnatural impacts on the of the area under consideration for further build-out in the Old Village. Since then, much of the "undeveloped" land has been heavily deforested and farmed with row crops. The AUAR focused on environmental and transportation impacts starting with 2007. As a result, the past 170 years of environmental degradation of the land by white settlers has been accepted as the starting point for evaluating and remediating further degradation. **The City has long believed that restoration of land to pre-settlement conditions is the basis for environmental planning.** Doesn't the EQB? If not, why not. Lake Elmo just placed a conservation easement on 256 acres of Sunfish Lake Park, an area singled out in the DNR's Washington County Biological Survey. The City has a mandatory minimum 50% open space requirement for subdivisions with at least $\frac{3}{4}$ acres per lot.

MP-3 **Item No. 4 - What Happened to "LEED" Development?**

The City has strongly indicated that design of the Old Village Expansion Area will be required to follow Leadership in Energy and Environmental Design principles, possibly mandating certification of new structures and newly developed sites. **The AUAR completely ignores the concept of LEED development.** One would think that a key aspect of environmental remediation for either the resident's chosen plan or the larger scale, developer's preferred plan, would start with the benefits accrued from LEED Design. This is a fundamental error.

6-4 **Item No. 5 - Justification for Assuming 650,000 s.f. of Non-Residential Construction in all Scenarios.**

The City Council has sought professional advice for the likely and desirable level of non-residential development in the expanded Old Village Area. The assumption has been that there are services and goods wanted by the City's residents, which could be provided in the context of a "walkable" city. The amount of services was presumed to be market driven and would include a new city hall, a new library, a indoor health center, and possibly a charter school, some medical offices, some legal and other professional offices, a restaurant, a tavern, a liquor store, a bakery, and specialty stores catering to a local audience. One of the marketing criteria of the amount of the space needed by service and goods providers would need to be the number of people living within $\frac{1}{2}$ mile, or especially within $\frac{1}{4}$ mile of the commercial center. **There is no justification for assuming 650,000 s.f. of retail, commercial and institutional space in the Village**

Area under any scenario, let alone the same amount for scenarios with a range from a low of 1,400 residents to a high of 3,500 residents.

6-4

Item No. 6 – The Green Belt Only Exists in the Comprehensive Plan Scenario

The justification for creating a special, higher density city center expansion area, rather than the routine Open Space Development with a minimum of 2.1 gross acres per unit and a minimum of 50% of the land protected was to separate the Old Village from existing open space developments, farmsteads to remain, and lakes currently surrounding the Old Village. The intent was to increase the percentage of open space to at least 70% and to have the bulk of the open space located along the view shed of Manning Avenue, side view shed of Lake Elmo Avenue north of STH 5, along the RR tracks west of the Old Village, the flight path of the Lake Elmo Airport, the bluff and low land in the north of the designated Village Area, and as a visible and viable buffer adjacent to 4 existing low density Open Space developments on the NW, NE, and SE. **The Scenarios with housing development spreading out in a one mile radius from the city center, fail to provide the required Signature Green Belt.** As the Mayor said in his first public comment on the Master Plan Concept, “Where is the Green Belt?” While the Concept for accepted for payment terms, it would understood that the Green Belt needed to be re-instituted and the number of housing units suggested needed to be scaled back to the levels more similar to what other landowners in the City are entitled, if only as a matter of equality. Thus, any discussion of these scenarios is superfluous, except for inappropriate pressure imposed by the developers, who knew the City’s general plans when they purchased their land.

Item No. 7 – Traffic Study Flawed

21-9

The City’s approved 2006 Comprehensive Plan shows 23,000 vpd on Lake Elmo Avenue south of STH 5, after 2030, but the AUAR suggests so closer to 12,000, even for the 1,600 d.u. concept. In fact, the overblown non-residential development proposed for each scenario so overwhelms the 1,000 d.u. difference between the low and high housing counts, that it is the commercial/office/institutional development that appears to drive the impacts. As originally conceived, the housing as the driving force, with the rest being merely for service to the residents.

21-10

The traffic study also ignores the stated desire of Woodbury for a Freeway interchange at CSAH17 and the State’s 10 year plan to convert SHT 36 into a part of the interstate system with a major intersection at the north end of CSAH 17, less than 2 miles from the AUAR designated area.

24-1

Item No. 8 – Noise from traffic on Manning Avenue and the RR tracks.

According to the AUAR, during more than 10% of the peak hour time, the traffic noise, 100 feet from Manning Ave is at or above 65 dBA. The AUAR also states that 65 dBA, or higher, is the noise level within 50 feet of the railroad tracks. The noise level of a normal conversation from 3 feet away is 60 dBA, so that a normal conversation could not

be carried out within 100 feet of the centerline of Manning or 50 feet of the tracks. Anyone with any experience near the tracks in Lake Elmo, knows that the noise levels are far higher than stated in the AUAR. I would also add this article from <http://www.telegraph.co.uk/news/1967803/Noise-pollution-map-warns-of-health-risks.html>:

Noise pollution map warns of health risks

A new online map can tell people if noise pollution is putting their health at risk.

By Tom Peterkin

Last Updated: 4:09PM BST 16 May 2008

The din generated by factories, airports, trains and cars has been plotted on a Government website.

Studies suggest that people living or working in a noise of above 60 decibels, the equivalent of a baby crying, are more likely to suffer a heart attack than those in a quiet environment.

The map uses isolines, which are similar to contours and link areas of equal decibel level. A colour code defines areas of different noise levels.

At the top end of the scale, noise levels greater than 75 decibels, the equivalent of a loud radio or a very busy street, were found within a few miles radius of airports and next to motorways, railways and heavy industry.

Browsers can type in a postcode to determine how noisy an area is.

Residents of 23 towns and cities will be able to check how noisy their area is by visiting the Department of Environment, Food and Rural Affairs website at <http://www.defra.gov.uk/noisemapping>.

A German study of more than 2,000 heart attack patients in the European Heart Journal found that those exposed to more than 60 decibels noise had an increased risk of heart attack.

The researchers thought that noise increased stress and anger, which increased blood pressure. (SCD note: Do we really want this??)

Examination of the map suggested that residents of Windsor are subjected to noise above 60 decibels as a result of being within ten miles of Heathrow.

Similarly, the people of Stockport fall within the 60 decibel limit living eight miles from Manchester airport. (SCD note: Just how bad will be the jet traffic proposed by the Met Council??) A plane taking off generates 140 decibels. At 120 decibels a human experiences pain.

Researchers have linked loud noise to illness and educational problems in children.

In February, a European Commission-funded study of people living near airports found that the roar of engines instantly raised blood pressure. High blood pressure can lead to stroke, heart failure, heart attack and kidney failure.

In 2005, a team from Queen Mary's School of Medicine, London, said loud aircraft noise could impair children's ability to read and perform memory tests.

Ministers claim that the maps, which have been drawn up to meet a European directive, will be used to cut noise in the worst affected areas.

"They will provide a springboard to go forward and tackle unnecessary and unreasonable noise pollution," said Jonathan Shaw, the Environment Minister.

"We will use them to draw up action plans to reduce noise where practical from major roads and railways, as well as from urban areas."

The maps were created using data taken at industrial sites, roads, railways and airports. They cover 50,000 miles of roads and 3,000 miles of railways.

The information was collected by airport operators, the Department for Transport, the Highways Agency, Network Rail and the Environment Agency.

London, Manchester, the West Midlands, Liverpool and Nottingham are among the areas covered by the maps.

28-2 **Item No. 9 – Schools**

According to the AUAR, there is only one school available to students in the AUAR area. In fact, with 25% of students learning outside the public school system and many children from Woodbury using the Lake Elmo Elementary School, the District is much more complex than required. I would suggest a call to the School District which, by State Statute must accommodate whatever cities and townships thrust on them, how they would handle the concentrated load of students (which obviously will be living somewhere in the school district, whether in the Lake Elmo Old Village or elsewhere).

Item No. 10 – 40 Acre Contiguous Parcels of Open Space

GC-2 The scenarios that are not part of the Comp Plan concentrated design have almost no contiguous open space parcels of 40 acres – only two active farmsteads, a private residence with a house on 45 acres, and a lowland used for crops. Most biologists and ecologists know that there is something special about 40 acre parcels, as being the minimum size to provide an "interior" zone adequate for conditions other than disturbed "edge conditions. There is no mention of this in the AUAR.

25-1 **Item No. 11 – Trails**

On of the most obvious messages that can be read from the AUAR is that an "on the ground" evaluation was lacking for most topics. Surely, the well used and beautiful trail around the pond in Reid Park would not have been overlooked by on site observation, or even a review of the City's new Park Plan

BACK UP DATA

http://aquatic.co.clackamas.or.us/docs/dtd/display_center.pdf

<http://www.walkable.org/faqs.html>

1. *Intact town centers.* This center includes a quiet, pleasant main street with a hearty, healthy set of stores. These stores are open for business a minimum of 8 hours a day. The stores include things like hairdressers, hardware, druggist, small grocery/deli, good restaurants, clothing, variety store, ice cream shop, stores that attract children, many youth and senior services, places to conduct civic and personal business, library, all within a 1/4 mile walk (5 minutes) of the absolute center. If this is a county seat, the county buildings are downtown. If this is an incorporated town the town hall is in the town center. The library is open for business at least 10 hours a day 6-7 days a week. A post office is located downtown.

2. *Residential densities, mixed income, mixed use.* Near the town center, and in a large town at appropriate transit locations, there will be true neighborhoods. Higher densities are near the town center and in appropriate concentrations further out. Housing includes mixed income and mixed use. A truly walkable community does not force people to drive to where they work. Aspen, for example, is a great place to shop and play...but fails to provide housing for anyone who works there.

Granny flats, design studios, and other affordable housing are part of the mix in even the wealthiest neighborhoods.

3. *Public space.* There are many places for people to assemble, play, and associate with others within their neighborhood. The best neighborhoods have welcoming public space within 1/8th mile (700 feet) of all homes. These spaces are easily accessed by all people.

4. *Universal design.* The community has a healthy respect for people of all abilities, and has appropriate ramps, medians, refuges, crossings of driveways, sidewalks on all streets where needed, benches, shade, and other basic amenities to make walking feasible and enjoyable for everyone.

5. *Key streets are speed controlled.* Traffic moves on main streets and in neighborhoods at safe, pleasant, courteous speeds. Most streets are designed to keep speeds low. Many of these streets are tree lined, have on-street parking, and use other affordable methods to keep traffic speeds under control. There is an absence of one-way couplets designed to flush the downtown of its traffic in a rush or flight to the suburbs. In most parts of the nation the streets are also green, or have other pleasant landscaping schemes in dry climates.

6. *Streets & trails are well linked.* The town has a good block form, often in a grid or other highly connected pattern. Although hilly terrain calls for slightly different patterns, the linkages are still frequent. Some of the newer neighborhoods that were built to cul-de-sac or other fractured patterns are now being repaired for walking by putting in trail connectors

in many places. These links are well designed so that there are many eyes on these places. Code for new streets no longer permits long streets that are disconnected.

7. ***Design is properly scaled to 1/8, 1/4, and 1/2 mile radius segments.*** From most homes it is possible to get to most services in 1/4 mile (actual walked distance). Neighborhood elementary schools are within a 1/4 mile walking radius of most homes, while high schools are accessible to most children (1 mile radius). Most important features (parks) are within 1/8 mile, and a good, well designed place to wait for a high frequency (10-20 minutes) bus is within 1/4 to 1/2 mile. Note that most of these details can be seen on a detailed local map.
8. *The town is designed for people.* Look for clues that decisions are being made for people first, cars second. Does the town have a lot of open parking lots downtown? Are many streets plagued with multiple commercial driveways, limited on-street parking, fast turning radii on corners? Towns designed for people have many investments being made in plazas, parks, and walkways. Investments in intersections on the far reaches of town are rare. Towns designed for people are tearing down old, non-historic dwellings and shopping plazas and converting them to compact, mixed use, mixed income properties. Ask to review the past year of building permits by category. Much is told about what percentage of construction that is infill and independent small builder stock versus big builder single price-range housing or retail stock.
9. *The town is thinking small.* The most walkable towns are boldly stepping forward requiring maximum parking allowed, versus minimum required. Groceries, and other important stores, are not permitted to build above a reasonable square footage, must place the foot print of the structure to the street, etc. Palo Alto, for instance, caps their groceries at 20,000 square feet. This assures that groceries, drug stores, and other important items are competitive at a size that is neighborhood friendly. Neighborhood schools are community centers. Older buildings are rebuilt in place, or converted to modern needs. Most parking is on-street.
10. *In walkable communities there are many people walking.* This sounds like a silly statement at first...but think again. Often there are places that look walkable, but no one walks. Why? There is always a reason. Is it crime? Is there is no place to walk to, even though the streets and walkways are pleasant? Are the downtown stores not open convenient hours? You should be able to see a great diversity of those walking and bicycling. Some will be very young, some very old. People with disabilities will be common. Another clue, where people walk in great abundance virtually all motorists are courteous to pedestrians...hard to believe, but true!
11. *The town and the neighborhoods have a vision.* Seattle, Washington, Portland, Oregon and Austin, Texas are just three examples where neighborhood master plans have been developed. Honolulu sets aside about \$1M of funds per year to be spent by each neighborhood. Visionary

master plans provide direction, build ownership of citizens, engage diverse people, and create opportunities for implementation. A well thought out master plan gets past sticky issues, and deals with the most basic, fundamental, necessary decisions and commitments. There are budgets set aside for neighborhoods, for sidewalks, trails, links, and parks. The community no longer talks about where they will get the money, but how they will change their priorities.

12. *Decision-makers are visionary, communicative, and forward-thinking.* The town has a strong majority of leaders who "get it." Leaders know that they are not there to do all the work...but to listen and respond to the most engaged, involved, and broad minded citizens. They are rarely swayed by the anti-group, they seek the opinions and involvement of big brush citizens and retailers. They are purposefully changing and building policies, practices, codes, and decisions to make their towns pleasant places for people...reinvesting in the town center, disinvesting in sprawl. These people know the difference between a green field, brown field, and gray field. They know what Active Living by Design is all about. The regional government understands and supports the building of a town center, and is not attempting to take funds from the people at the center to induce or support sprawl. Often there is a charismatic leader on the town board, chamber of commerce, or planning board, along with an architectural review team, a historic preservation effort, and overall good public process. Check out the website of the town...if they focus on their golf courses, tax breaks, great medical services, scenic majestic mountains, or proximity to the sea but fail to emphasize their neighborhood schools, world class library, lively downtown, or citizen participation...they are lost, bewitched, and bewildered in their own lust for Walt Disney's Pleasure Island.

<http://www.urbanecology.org.au/topics/walkablecities.html>

Streets are the lifelines of the urban neighbourhood. Good streets promote:

- Equity and care for all, by being pedestrian-close to daily needs, thereby reducing car dependency, and by being safe and clean.
- Physical health, by enabling walking and cycling, and providing easy access to parks and open space
- Psychological health, by bringing people together and encouraging interaction through meeting and eating places, public spaces and leisure opportunities.
- Neighbourhood longevity, by catering for all ages through a mix of housing types and proximity to schools, childcare facilities, health services and shops.
- A sense of place, by containing resident/owner-operated shops and specialty stores.

- Pleasure and identity, from compatible and seamlessly linked built forms that respond to local climate, topography and history.
- Continuity and evolution of the urban community, through the conservation of historic buildings, precincts, and landscapes.

<http://mrsc.org/mc/redmondcomp/Cityctr.html> (Redmond, WA)

Transportation

A variety of transportation choices will significantly increase mobility to, from and within downtown Redmond. While there will be continued reliance on automobile travel, there also will be increased reliance and opportunities for pedestrian travel or travel by transit and bicycles. The transportation improvements envisioned for downtown also provide mobility between all activity nodes within downtown. For example, office workers will find an easy path to shopping or the river; residents can walk less than 1/2 mile to stores, work, parks and trails.

http://www.aia.org/liv_principles

AIA Communities by Design's 10 Principles for Livable Communities

1. Design on a Human Scale

Compact, pedestrian-friendly communities allow residents to walk to shops, services, cultural resources, and jobs and can reduce traffic congestion and benefit people's health.

2. Provide Choices

People want variety in housing, shopping, recreation, transportation, and employment. Variety creates lively neighborhoods and accommodates residents in different stages of their lives.

3. Encourage Mixed-Use Development

Integrating different land uses and varied building types creates vibrant, pedestrian-friendly and diverse communities.

4. Preserve Urban Centers

Restoring, revitalizing, and infilling urban centers takes advantage of existing streets, services and buildings and avoids the need for new infrastructure. This helps to curb sprawl and promote stability for city neighborhoods.

5. Vary Transportation Options

Giving people the option of walking, biking and using public transit, in addition to driving, reduces traffic congestion, protects the environment and encourages physical activity.

6. Build Vibrant Public Spaces

Citizens need welcoming, well-defined public places to stimulate face-to-face interaction, collectively celebrate and mourn, encourage civic participation, admire public art, and gather for public events.

7. Create a Neighborhood Identity

A "sense of place" gives neighborhoods a unique character, enhances the walking environment, and creates pride in the community.

8. Protect Environmental Resources

A well-designed balance of nature and development preserves natural systems, protects waterways from pollution, reduces air pollution, and protects property values.

9. Conserve Landscapes

Open space, farms, and wildlife habitat are essential for environmental, recreational, and cultural reasons.

10. Design Matters

Design excellence is the foundation of successful and healthy communities.

http://goliath.ecnext.com/coms2/summary_0199-6298667_ITM

Even homes just a half-mile from a rail stop are selling for 30 percent to 50 percent less than comparable homes inside the half-mile "walkable" radius.

January 9, 2009

Mr. Kyle Klatt
Planning Director
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, MN 55042



Re: Lake Elmo Village Area Draft AUAR

Dear Mr. Klatt:

Thank you for sending the Valley Branch Watershed District (VBWD) a copy of the Lake Elmo Village Area Alternative Urban Areawide Review (AUAR). The VBWD Board of Managers approved the attached comments at their January 8, 2009 meeting.

The VBWD Managers' greatest concern is the effect the proposed development will have on the water resources of the area, especially Downs Lake, Horseshoe Lake, and the St. Croix River. To fully understand and address water resource issues, a comprehensive study must be undertaken. The AUAR does not determine what the effects of the various development scenarios will have on the water resources. Instead, the AUAR indicates that the City will evaluate stormwater runoff volume management and water quality treatment measures for the AUAR area and the entire City of Lake Elmo through the City's future Surface Water Management Plan (SWMP) update. The VBWD Managers cannot approve this AUAR until the SWMP is complete and addresses all water resource issues associated with the development scenarios of the AUAR. The VBWD Managers request that the City not finalize the AUAR until after the SWMP is complete and approved by the VBWD and other agencies. If the City does not evaluate and address all water resources issues associated with the development scenarios and/or complete a SWMP, the VBWD Managers will request that state agencies and the Metropolitan Council file formal objections to the document until water resource issues are evaluated and an adequate mitigation plan is developed.

The VBWD Managers and I invite you and your consultant team to meet with the Managers and/or me to discuss these comments and ways the VBWD can help the City of Lake Elmo address these issues and concerns. Please contact me at 952-832-2622 or jhanson@barr.com if you'd like to schedule a meeting or have questions on the attached comments.

Sincerely,

John P. Hanson, P.E.
BARR ENGINEERING COMPANY
Engineers for the District

c: VBWD Managers
Dale Homuth, MnDNR Regional Hydrologist
Craig Wills, MnDNR Area Hydrologist
Molly Shodeen, MnDNR Area Hydrologist
Amanda Strommer, Washington County Public Health and Environment
John Freitag, Washington County Public Health and Environment
Dan Kylo, West Lakeland Township Board Chairman
Dale Thompson, MPCA – MS4 Stormwater Program Supervisor
Howard Markus, MPCA – Impaired Waters Assessments and 303(d) List
Craig Affeldt, MPCA – St. Croix Basin Water Resources Planning Team Chair
Jim Larson, Metropolitan Council
Ciara Schlichting, Bonestroo
Ryan Stempski, TKDA – Lake Elmo Assistant City Engineer
Environmental Quality Board



LINCOLN FETCHER • DAVID BUCHECK • DONALD SCHEEL • DALE BORASH • RAY LUCKSINGER

VALLEY BRANCH WATERSHED DISTRICT • P.O. BOX 838 • LAKE ELMO, MINNESOTA 55042-0538

www.vbwd.org

Comments on Draft AUAR

The following paragraphs list the VBWD's comments and the corresponding AUAR question number and page number.

Executive Summary

Page viii, 4th Paragraph, Last Sentence

17-19 The sentence should be revised to correctly state the VBWD's current stormwater volume control rule.

Executive Summary

Stormwater Volume Control, Pages viii-ix

See comments in cover letter and for Question 17.

Question 11

Fish, Wildlife, and Ecologically Sensitive Resources. Page 32

12-2 The AUAR should be revised to more clearly indicate where potential wetland impacts are expected. Figures 10-1, 10-2, and 10-3 do not have wetland categories and it is difficult to determine where the potential wetland impacts are expected. Potential wetlands are more clearly shown on Figure 12-2. The text indicates that all wetlands within the AUAR study area are herbaceous, but we are not confident this statement is true because some potential wetlands shown on Figure 12-2 appear to be located in Forest and Woodland areas shown on Figure 10-1. The section goes on to indicate that 23 to 25 acres of herbaceous habitat could be impacted under the various development scenarios. Whether these herbaceous acres expected to be impacted are wetlands is unclear. Furthermore, the figures do not clearly show where the impacts are expected. A figure or figures showing the expected impacts should be included in the AUAR. Potential hydrologic, habitat/biological diversity, quality and quantity wetland impacts should be noted.

12-2 The Valley Branch Watershed District is the Local Government Unit responsible for administering the Minnesota Wetland Conservation Act for the area. Direct and indirect wetland impacts must be avoided under the Minnesota Wetland Conservation Act. Because it seems that in this case wetlands can be avoided if plans are properly made, the AUAR should not show any direct or indirect wetland impacts.

Question 12

Wetlands, Page 42

12-6 We suggest that the last sentence of the fourth paragraph under wetlands be moved to the seventh paragraph. Otherwise, the AUAR leads the reader to believe that the VBWD requires a 16.5-foot vegetative buffer around wetlands. This is the minimum vegetative buffer width required by the VBWD. As explained in the seventh paragraph, average buffers of 25, 30, 40, or 60 feet are required depending on the wetland classification. Buffers are measured from the wetland edge or the Minnesota Department of Natural Resource's ordinary high water level (OHWL), whichever is greater in elevation. For Sunfish Lake and Lake Elmo, the VBWD requires a minimum 35-foot wide buffer strip measured perpendicular to the OHWL extending 35 feet inland.

Question 12

Potential Impacts on Water Resources, Pages 42-44

12-2 The development scenarios must be revised to avoid all direct and indirect wetland impacts. Direct and indirect wetland impacts are not allowable under the Minnesota Wetland Conservation Act and VBWD Rules.

12-4 The wetland impact mitigation section should be revised. It currently indicates that the VBWD will allow flexibility in impacting wetlands because of their Manage 2 classification, but the VBWD has not yet adopted any such policy.

12-5 This section fails to discuss whether physical impacts are anticipated for Lake Elmo and Sunfish Lake. We assume no physical impacts are proposed, based on the AUAR's response to Question 17 on page 69.

Question 13
Water Use, Pages 45-54

13-2 This section should be revised to evaluate the potential impact the proposed additional groundwater use may have on groundwater levels and groundwater-dependent surface waters, such as Sunfish Lake and Lake Elmo within the AUAR study area and Valley Creek outside the AUAR study area. AUAR guidelines indicate that potential impacts on groundwater levels should be given and impacts resulting on other resources should be addressed.

Question 14
Water-Related Land Use Management Districts, Wild and Scenic River, Page 58

Please provide the calculations that support the following claims made in the draft AUAR:

- 14-1
1. The incorporation of local infiltration BMPs sized to meet VBWD requirements and construction of wet detention in the regional basins provides at least 60-65% reduction in total phosphorus (based on the Minnesota Stormwater Manual).
 2. No significant adverse impacts to the St. Croix River are anticipated.

There can be no adverse impacts to the St. Croix River.

Question 14
Water-Related Land Use Management Districts, Mitigation Summary, Page 58

14-2 The AUAR should be revised to provide an evaluation of whether the development scenarios will increase flood levels. The FEMA floodplain maps are based on existing development conditions. If development occurs without incorporating the proper runoff management techniques, the flood levels of the lakes and wetlands could rise.

Question 17
Water Quality – Surface Water Runoff, Stormwater Management Issues, Downtown Area Flooding Analysis, Pages 66, 69, and 73

17-17 The VBWD still has concerns regarding the City's 2004 Downtown Area Flooding Analysis. The Analysis did not identify the existing flooding problem (how many homes and other structures flood, etc.) or the effects of the proposed project (how many homes would no longer flood, etc.). Furthermore, the Minnesota Wetland Conservation Act and the VBWD do not allow wetlands to be converted to stormwater ponds, as suggested in the Analysis.

Question 17
Water Quality – Surface Water Runoff, Existing Conditions, Page 67

17-18 The AUAR mentions using a model from Barr Engineering Company. Barr Engineering Company did not give the AUAR authors any model of Downs Lake. Barr Engineering Company takes no responsibility for how the model has been used by the AUAR authors.

Question 17
Water Quality – Surface Water Runoff, Assessment Objectives, Volume Control, Page 68

17-19 The AUAR should be revised to state the correct VBWD volume control requirements. The AUAR indicates that the study area is within the Lake Edith watershed, but it is not. It is unclear if the analysis

of the AUAR development scenarios used the volume control rule listed for Lake Edith or the VBWD volume control rule for watersheds outside of the Lake Edith and Valley Creek watersheds.

Question 17

Water Quality – Surface Water Runoff, Volume Control Analysis and Nutrient Budget Analysis, Pages 71-72

17-20
More analyses must be completed to evaluate the effects of the various development scenarios will have on water resources. Without a more comprehensive study, the AUAR is incomplete.

The AUAR indicates land cover changes within the Downs Lake and Legion Pond watersheds. Downs Lake and the unnamed wetland within the Legion Pond watershed are typically landlocked. (The AUAR calls the wetland complex north of 30th Street North *Legion Pond*. The VBWD calls the wetland south of 30th Street North *Legion Pond*.) While the AUAR states that the stormwater rates entering these basins can be controlled, stormwater volumes are more of an issue. Increasing the volumes of runoff to these basins could

- exacerbate existing flooding issues at these basins,
- cause the typical water levels of these basins to rise so that they overflow more frequently, which would increase the discharge rate and volume leaving the basins per storm event. For Downs Lake, this could mean more frequent overflows to Horseshoe Lake, West Lakeland Storage Site, Rest Area Pond, and the St. Croix River/Lake St. Croix. This could have negative water quantity and quality effects.

The AUAR does not compare the quantity and quality of site runoff before and after the project and estimate the impact of the runoff on the receiving water body, as required by Question 17. The AUAR states at the bottom of page 68 that meeting the VBWD Rules for development of the AUAR area is expected to provide adequate water quality protection to Downs Lake and the wetland within the Legion Pond watershed. Please provide your calculations that support this claim. Instead of only discussing how the AUAR might be able to conform the VBWD rules, the AUAR should evaluate what volume controls are necessary to prevent negative effects, as it suggests on page 71. There, the AUAR states it will evaluate the impact of the development scenarios on Downs Lake when the City develops its Surface Water Management Plan.

Because the AUAR fails to evaluate the effects of stormwater runoff volumes produced by the various development scenarios on Downs Lake and the wetlands in the Legion Pond watershed, no conclusions can be made regarding the feasibility of various development scenarios.

Question 27

Compatibility with Plans, VBWD 2005-2015 Watershed Management Plan, Page 131

27-4
The AUAR should evaluate and provide the requested information in this comment letter to conclude that the development scenarios will be compatible with the VBWD Plan.

Question 28

Impact on Infrastructure and Public Services, Stormwater System, Page 136

28-3
See previous comments regarding the 2004 Downtown Area Flooding Analysis and the AUAR response to Question 17. The AUAR should determine if the existing storm sewer system under Manning Avenue and downstream of the proposed 2004 Downtown Area Flooding Analysis project is adequate. In addition, if the development causes Downs Lake to overflow more frequently, the City needs to determine if the storm sewer system downstream of Downs Lake is adequate.

Because the AUAR has not evaluated the flooding effects of stormwater runoff volumes produced by the various development scenarios, the City cannot determine whether the stormwater management infrastructure at Downs Lake and downstream is adequate.

Mitigation Plan

Item 12, Water Resources: Wetlands, How Mitigation will be Applied and Assessed, Pages 150-151

MP-4 Please review the following and revise the AUAR. The required replacement ratio for wetland impacts has recently become much more complicated. This paragraph should be revised to state that the replacement ration is typically 2.5:1. According to the Wetland Conservation Act, if impacts cannot be avoided, the impacted wetland must be replaced at a 2:1 minimum ratio if the replacement wetland is created in advance of the impact and the replacement wetland is of the same type as the impacted wetland. The minimum replacement ratio goes up to 2.5:1 for impacts when the replacement wetland is not constructed in advance of the impact and when the replacement wetland is of a different type of wetland than the impacted wetland.

The first full paragraph on page 151 could be clarified. It states that wetland replacement will be regulated through the City's development approval and permitting process. While the City typically requires VBWD approval of projects, it is the VBWD which regulates wetland impacts and replacement.

Mitigation Plan

Item 13, Water Use, Potential Impacts, Page 151

13-2 The AUAR should mention the potential impact to groundwater-dependent water resources, such as Lake Elmo.

Mitigation Plan

Item 13, Water Use, Mitigation Strategies, Page 151

13-2 The City should evaluate the effect of the proposed increased groundwater use on groundwater-dependent water resources.

Mitigation Plan

Item 14, Water-Related Land Use Management Districts, Potential Impacts, Page 153

14-2 The proposed development could increase the flood levels of downstream water bodies, making the floodplain maps of VBWD and FEMA obsolete.

Mitigation Plan

Item 14, Water-Related Land Use Management Districts, Mitigation Strategies, Page 153

14-2 The City should evaluate the flood levels of downstream water bodies.

Mitigation Plan

Item 17, Water Quality: Surface Water Runoff, Page 155

See previous comments for Question 17.

Mitigation Plan Implementation Summary

Page 169

MP-5 The table should indicate when the City's SWMP is expected to be complete. Because the water resources impacts are proposed to be delegated to the SWMP, the impacts of the various development scenarios cannot be determined until the SWMP is complete.