

Division of Ecological and Water Resources
Region 3 Headquarters
1200 Warner Road
Saint Paul, MN 55106
September 21, 2022

Transmitted by Email

Niki Hill
Assistant Community Development Director
City of Shoreview
4600 Victoria Street North
Shoreview, MN 55126

Dear Niki Hill,

Thank you for the opportunity to review The Bluffs Environmental Assessment Worksheet (EAW) in Ramsey County. The DNR respectfully submits the following comments for your consideration:

1. **Page 5, Section 9 – Permits and Approvals Required.** Regardless of the underlying zoning district, the proposed 160-unit multifamily development on the northern portion of the site is in fact a shoreland residential planned unit development (PUD) in accordance with the state shoreland rules (Minn. Rules 6120.2500 - 6120.3900). Specifically, Minn. Rules 6120.3300, Subp. 2(A), states that “residential subdivisions with dwelling unit densities exceeding those in the tables in subparts 2a and 2b can only be allowed if designed and approved as residential planned unit developments under part 6120.3800.”

DNR’s records from 1993 indicate that the City of Shoreview’s shoreland ordinance was approved without standards for shoreland planned unit developments because the city indicated that PUD zoning districts would not be located in shoreland districts. To date, the City of Shoreview has not submitted a request to DNR to amend its shoreland ordinance to allow shoreland PUDs.

Since the City of Shoreview’s shoreland ordinance does not contain standards for shoreland planned unit developments, the DNR would review and approve the proposed shoreland PUD prior to Council approval. DNR’s review and approval of shoreland PUDs is required under City Code Section 209.080(N)(5)) and Minn. Rules 6120.3800, Subp. 1. The DNR will review and approve shoreland PUDs according to the standards in Section 10 of shoreland model ordinance. We recommend that the project proposer carefully review these standards and use them to design their project.

2. **Page 6-7, Section 9 – Land Use.** As explained in the previous comment, the proposed 160-unit multifamily development is in fact a shoreland PUD; DNR’s review and approval of shoreland PUDs is required under City Code Section 209.080(N)(5)) and Minn. Rules 6120.3800, Subp. 1.

Furthermore, the EAW should provide additional information to discuss how the project complies with the standards of the shoreland overlay district. DNR notes, for example, that building height is limited to 35 feet in the city's shoreland overlay district. In 1993, DNR approved the city's proposal for deviation from the building height standard of 25 feet in the statewide standards to the city's proposed limit of 35 feet. To date, the city has not requested DNR approval for any further deviation of this standard.

3. **Page 9, Section 11 – Surface Water.** This section should recognize that Snail Lake is a Lake of Biological Significance, and that stormwater from the development will ultimately flow into this basin.
4. **Page 12, Section 11 – Stormwater.** The significant increase in impervious surfaces will also increase the amount of road salt used in the project area. Chloride released into local lakes and streams does not break down, and instead accumulates in the environment, potentially reaching levels that are toxic to aquatic wildlife and plants. Consider promoting local business and city participation in the Smart Salting Training offered through the Minnesota Pollution Control Agency. There are a variety of classes available for road applicators, sidewalk applicators, and property managers. More information and resources can be found at this [website](#). Many winter maintenance staff who have attended the Smart Salting training — both from cities and counties and from private companies — have used their knowledge to reduce salt use and save money for their organizations.

We also encourage cities and counties to consider how they may participate in the [Statewide Chloride Management Plan](#) and provide public outreach to reduce the overuse of chloride. Here are some [educational resources](#) for residents as well as a [sample ordinance](#) regarding chloride use.

Blanding's turtles, a protected state-listed threatened species, have been documented within the vicinity of the project area. Stormwater features may be colonized by Blanding's turtles in the area, therefore we recommend incorporating measures to avoid impacting this species into stormwater management. In years when the stormwater features will be dredged to remove excess sediment, please draw down water levels by September 15th in order to allow turtles to find overwintering habitat elsewhere. It is also important that this section, as well as project plans, incorporate the **required avoidance measures** for state-listed species that were provided in the DNR Natural Heritage letter.

We recommend that BWSR-approved, weed-free, native [seed mixes](#) be used to the greatest degree possible in stormwater features and development landscaping in order to provide pollinator habitat.

5. **Page 13, Section 11 – Water Appropriation.** The EAW states that groundwater can be found from 0 to 50 feet below the surface across the project area. The project is also proposing to utilize predominantly underground parking. If it is necessary to use a sump pump to remove water from the underground parking levels in volumes that exceed 10,000 gallons per day or one million gallons per year, then a DNR Water Appropriation Permit would be required.
6. **Page 13, Section 11 – Wetlands.** The potential indirect impacts to the wetland(s) from receiving development stormwater should be discussed in this section. It is also unclear how placing retaining walls along the wetland boundary will alter wetland hydrology.

7. **Page 14, Section 11 – Water Resources.** This section of the EAW is incomplete because it does not assess the effect of the project on water surface use on Snail Lake, i.e., number and type of watercraft, including current and projected watercraft usage.
8. **Page 18, Section 13 - Fish, Wildlife, Plant Communities, and Sensitive Ecological Resources (Rare Features).** This section of the EAW greatly minimizes the potential impacts to wildlife, plants, and sensitive ecological features, and claims that there will be no impacts without providing a justification for this conclusion. There is no discussion of how an increase in impervious surfaces as well as increased nutrient/pesticide use from added lawns and landscaping will impact surface runoff, potentially impacting Snail Lake, a Lake of Biological Significance that contains several state-listed rare species.

The proposed project would result in substantial tree removal in wooded areas that currently provides valuable local wildlife habitat. The potential impacts of tree removal are not fully described in the EAW, and it is unclear if 5.8 acres of tree removal within shoreland is even compatible with shoreland ordinances.

It is unclear if the proposer coordinated with the U.S. Fish and Wildlife Service regarding potential impacts to the federally-endangered Rusty Patched Bumble Bee. No evidence or coordination is mentioned or provided in the appendices.

This section also states that, “no impacts to the lake shore are anticipated for the proposed development.” This statement is unsupported. Please provide additional supporting information on anticipated impacts to the lake shore.

9. **Page 21, Section 15 – Visual.** This section of the EAW incorrectly states that the proposed project would conform with city code regulations for building height. Building height is limited to 35 feet in the city’s shoreland ordinance. In 1993, DNR approved the city’s proposal for deviation from the building height standard of 25 feet in the statewide standards to the city's proposed limit of 35 feet. To date, the city has not requested DNR approval for any further deviation of this standard.
10. **Page 23, Section 16 – Dust and Odors.** If water for dust control is taken from a lake or stream in volumes that exceed 10,000 gallons per day or one million gallons per year, a DNR Water Appropriation Permit would be required. Please do not use products that contain chloride for dust control in areas that drain to public waters.

Thank you again for the opportunity to review this document. Please let me know if you have any questions.

Sincerely,



Melissa Collins

Regional Environmental Assessment Ecologist | Ecological and Water Resources

Minnesota Department of Natural Resources

Phone: 651-259-5755

Email: melissa.collins@state.mn.us

CC: Max Segler, Tycon Companies

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