

## Service information

Transaction ID: 85897  
 Service name: EIS need decision  
 Submitted on: 12/26/2023 11:21:52 AM

## Project details

Project title: Valleyhigh Development

Project summary: The Valleyhigh Development project is a proposed low and medium density residential development on an existing approximately 75 acre agriculture site in the City of Rochester, Olmsted County, Minnesota. The project includes approximately 192 proposed single family homes and 660 proposed multi-family homes and is located near the intersection of Valleyhigh Road (Rd) NW and 50th Avenue (Ave) NW (Appendix A, Figure 1). The project will include a new internal roadway network, stormwater features, and the installation of municipal sanitary sewer and water utilities.

Does the RGU have a consultant? Y

## Contacts

Project proposer name: Jeff Brown

Project proposer organization: North Rock Real Estate

Project proposer title:

Project proposer address: 2705 Highway 14 W, Rochester MN 55601

Project proposer email: jbrown@northrockre.com

Project proposer phone: 952-607-7886

RGU consultant name: Keara Fehr

RGU consultant organization: Alliant Engineering

RGU consultant title: Environmental Specialist

RGU consultant address: 733 Marquette Ave, Suite 700, Minneapolis MN 55402

RGU consultant email: kfehr@alliant-inc.com

RGU consultant phone: 612-718-6880

RGU name: Ryan Yetzer

RGU organization: City of Rochester Community Development

RGU title: City Manager

RGU username: ryetzer

RGU address: 4001 West River Parkway NW, Rochester MN 55901

RGU email: communitydevelopment@rochestermn.gov

RGU phone: 507-328-2600

## EIS need decision

Decision date: 12/18/2023

EIS need decision: Negative (EIS not ordered)

The ER process as a whole was useful in identifying the proposed project's potential environmental effects that would not have otherwise been identified by required governmental approvals, including permits. Yes

The ER process allowed for public participation that would not have otherwise occurred for the proposed project through required governmental approvals, including permits. Yes

The ER process identified mitigation measures for potential environmental effects. Yes

Number of comment letters received: 4

Notice period extension granted? No

Link to public documents: <https://www.rochestermn.gov/government/departments/community-development/proposed-developments>

Location of public documents: Rochester Community Development  
4001 West River Parkway  
Rochester MN 55901



# Valleyhigh Development

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RESPONSE TO COMMENTS, FINDINGS OF FACT, AND RECORD OF DECISION

**CITY:** ROCHESTER

**COUNTY:** OLMSTED

**Responsible Government Unit (RGU)**

**City of Rochester**  
**Rochester Community Development**  
4001 West River Parkway NW  
Rochester, MN 55901

December 2023

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**Appendix A.** Agency and Public Comments Submitted to the City of Rochester

**Appendix B.** City of Rochester Resolution Finding of No Need for EIS

## 1. INTRODUCTION

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The Valleyhigh Development project is a proposed low and medium density residential development on an existing approximately 75 acre agriculture site in the City of Rochester, Olmsted County, Minnesota. The project includes approximately 192 proposed single family homes and 660 proposed multi-family homes and is located near the intersection of Valleyhigh Road (Rd) NW and 50th Avenue (Ave) NW. The project will include a new internal roadway network, stormwater features, and the installation of municipal sanitary sewer and water utilities.

An Environmental Assessment Worksheet (EAW) was prepared pursuant to Minnesota Rules Part 4410.4430, Subp. 19. Residential Development. The EAW and the respective comments have been reviewed in accordance with Minnesota Rules 4410.1700 to determine if the project has potential for significant environmental effects. This document includes responses to comments received by the City of Rochester, the Findings of Fact supporting the decision, and the Record of Decision indicating an Environmental Impact Statement (EIS) is not necessary for this project.

## 2. EAW NOTIFICATION, DISTRIBUTION, AND COMMENT PERIOD

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In accordance with Minnesota Rules 4410.1500, the EAW was completed and distributed to persons and agencies on the office of Environmental Quality Board (EQB) distribution list. The notification was published in the EQB Monitor on October 10<sup>th</sup>, 2023, initiating the 30-day public comment period. A public notice and press release was submitted to the Post Bulletin, the local newspaper. The comment period ended on November 9<sup>th</sup>, 2023.

## 3. COMMENTS RECEIVED

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### GOVERNMENT AGENCIES:

The City received comment letters from four government agencies. These include:

- Army Corps of Engineers – dated October 12, 2023
- Minnesota Pollution Control Agency (MPCA) – October 31, 2023
- Minnesota Indian Affairs Council – November 1, 2023
- Minnesota Department of Natural Resources – November 9, 2023

None of the comments recommended the preparation of an EIS.

### PUBLIC COMMENTS:

The City received no comments from the general public.

## 4. RESPONSE TO COMMENTS

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This document responds to comments individually. It includes summaries of comments followed by responses. The complete comment letters and emails are included in **Appendix A**. Responses to comments are generally confined to substantive issues that “address the accuracy and completeness of the material contained in the EAW, potential impacts that may warrant further investigation before the project is commenced, and the need for an EIS on the proposed project.” (MN Rules 4410.1600). Some of the comments included general remarks or recommendations. Such comments are noted for the record and further detail of the statements or recommendations is included in **Appendix A**.

### 4.1 COMMENTS FROM GOVERNMENT AGENCIES

#### 4.1.1 U.S. Army Corps of Engineers – October 12<sup>th</sup>, 2023

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**Comment:** The Army Corps of Engineers provides general information on the Section 10 and Section 404 permit programs that may apply to this project.

**Response:** The Army Corps was contacted to review the wetland delineation as part of this project and the Corps asked to defer their review of the site until wetland impacts are identified. The project proposer will be in contact with the Corps during the wetland permitting process for the site.

#### 4.1.2 Minnesota Pollution Control Agency (MPCA) – October 31, 2023

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**Comment:** MPCA staff does not have any comments at this time. The letter states to provide the notice of decision on the need for an Environmental Impact Statement (EIS).

**Response:** The Record of Decision determining no need for an EIS is provided in **Appendix B** of this document.

#### 4.1.3 Minnesota Indian Affairs Council (MIAC) – November 1, 2023

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**Comment:** MIAC states that no state archaeological sites or known areas of cultural significance to regional American Indian tribes were identified in the project area. MIAC concurs with SHPO that no known cultural resources are impacted by the project.

**Response:** This comment has been noted for the record.

#### 4.1.4 Minnesota Department of Natural Resources – November 9, 2023

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##### **Section 7, Table 4: Climate Adaption and Resilience**

**Comment:** The DNR appreciates that the project includes planting over 500 trees and recommends that native species be used to the greatest extent possible to benefit local wildlife and reduce the spread of invasive species.

**Response:** This project proposer will include native seed mixes throughout the development where it is appropriate in order to benefit local wildlife and reduce the spread of invasive species.

### **Section 12, Geology**

**Comment.** The DNR states that while no karst features have been mapped in the project area, a portion of the site is mapped as a region prone to surface karst feature development. They additionally state that it is good a geotechnical investigation will be completed for the site.

**Response:** The project proposer will analyze the results of the geotechnical investigation and adjust the layout of the site if necessary if karst areas are identified.

### **Section 12, Groundwater**

**Comment.** The DNR notes that the site is located within the Rochester NW Drinking Water Supply Management Plan. Potential pollutants need to be handled with care in order to protect the drinking water of the city.

**Response:** Potential pollutants used as part of the development will be handled with care in order to protect the City's drinking water.

### **Section 12, Wastewater**

**Comment.** The DNR notes that the large number of residential units will presumably add a significant number of residential water softeners due to the water hardness levels of the City of Rochester municipal water supply. The DNR encourages the proposer to utilize strategies identified in the 2014 Rochester Chloride Management Plan to reduce chloride use in home water softeners and winter sidewalk, parking lot, and road maintenance.

**Response:** The City of Rochester will use smart salting practices on the roadways throughout the development. The City's Public Works Environmental Services team launched the pilot program of the Rochester Winter Salting Program at the end of the 2021-2022 winter season to support community residents and businesses in their efforts to protect local waters and become Smart Salters. The program aims to provide resources, assistance and tools to help residents, contractors and business owners learn about the impacts winter rock salts have on local waters and how they can help reduce salt-sauced pollution while keeping residents safe in the winter.

### **Section 17, Dust and Odors**

**Comment.** The DNR states that since the project is within the Rochester NW Drinking Water Supply Management Area, they strongly recommend that products containing chloride not be used for dust suppression.

**Response:** The project proposer will use best management practices for dust suppression on site.

## 5. FINDINGS OF FACT

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### 5.1 PROJECT DESCRIPTION

#### 5.1.1 Proposed Project

The Valleyhigh Development is a proposed low and medium density residential development on an existing approximately 75 acre agriculture site in the City of Rochester, Olmsted County, Minnesota. The project includes approximately 192 proposed single family homes and 660 proposed multi-family homes. The project is located near the intersection of Valleyhigh Road (Rd) NW and 50<sup>th</sup> Avenue (Ave) NW. The project will include a new internal roadway network, stormwater features, and the installation of municipal sanitary sewer and water utilities.

#### 5.1.2 Site Description and Existing Conditions

The existing conditions present on site includes an agriculture field, drainage swales, and grass buffers. The site has been used for agriculture production for decades. The majority of the site occurs in non-hydric soil.

#### 5.1.3 Decision Regarding the Potential for Significant Environmental Effects

Minnesota Rules 4410.1700, Subp. 7 lists four criteria that shall be considered in deciding whether a project has the potential for significant environmental effects. Those criteria and the City's findings are presented below.

##### A. Type, Extent, and Reversibility of Environmental Effects

Minnesota Rules 4410.1700, Subp (A) indicates the first factor that the City must consider is the "type, extent, and reversibility of environmental effects." The City's findings are set forth below.

- **Climate Adaption and Resilience**

Analyzing general average annual temperature, total annual precipitation, and the drought severity index, the general trends for southern Minnesota include warmer temperatures, more precipitation, and more variable and extreme weather conditions. The project has identified adaptations that will be implemented into the development design to mitigate for the future climate trends in the area.

- **Cover Types**

The project will convert an approximately 75-acre site agriculture site to low and medium density residential development, stormwater infrastructure, lawn/landscaping, and an internal roadway network. The green infrastructure on the site after development will include constructed infiltration systems.



- **Land Use**  
The project is compatible with surrounding land uses and Rochester’s Comprehensive Plan 2040. The project is not within or adjacent to a floodplain, wild and scenic river, critical area, agricultural preserve, or shoreland overlay district.
- **Geology, Soils, and Topography/Land Forms**  
The grading operations will require an average of 3 feet of cut over 74 acres. This yields an estimate of 358,160 cubic yards of soil movement. Grading activities will construct new roads, building residential pads, and stormwater features.
- **Water Resources**
  - **Wetlands and Surface Waters**  
The wetland delineation survey was conducted in May 2023 and two wetlands were delineated on site. The wetland delineation report was approved by the Technical Evaluation Panel (TEP) in June 2023 and the TEP issued their Notice of Decision agreeing with the wetland boundary/type determination under regulatory file number R2023-008WET. If any of the delineated features are impacted on site, the project proposer will need to obtain an approved Minnesota Wetland Conservation Act replacement plan decision and potentially a Section 404 of the Federal Clean Water Act permit and Section 401 Clean Water Act Water Quality Certification.
  - **Water Quality**  
Compliance with stormwater requirements will minimize and mitigate potential adverse effects on receiving waters. Project construction will add impervious surfaces to the site which consists of streets, residential homes, and driveways. Stormwater rate and volume controls will limit increases in runoff volume and associated pollutant transport. Stormwater basins are expected to mitigate potential adverse effects on water quality.
  - **Wastewater**  
The project is expected to produce normal domestic wastewater that will be typical of residential developments and will be designed within the limitations of the existing sanitary sewer system.
- **Contamination/Hazardous Materials/Wastes**  
Review of the MPCA and MDA’s “What’s in my Neighborhood” (WIMN) interactive website identified that there are no known or documented existing contaminated hazards within the project site.

Within 0.5 miles of the proposed project site, there are 11 sites shown in the MPCA’s database and no sites shown in the MDA’s website. The MPCA’s website indicates that these sites have been properly investigated and managed. Therefore, these sites are not expected to adversely impact the project site.

- **Fish, Wildlife, Plant Communities, and Sensitive Ecological Resources (Rare Features)**  
The project is expected to convert approximately 75 acres of agriculture into a residential development. The project may disperse less mobile wildlife species during the construction of the residential development, however, changes in wildlife abundance are not expected to be regionally significant. If a threatened and endangered species survey is necessary for the project, it will be completed prior to construction to ensure no species are impacted. As part of the development protective buffers will be created around preserved wetlands and open space will be reestablished with native vegetation and trees, creating additional ecological benefits.
- **Historic Properties**  
The SHPO conducted a review of the site and indicated that no properties listed in the National or State Registers of Historic Places and no known or suspected archaeological properties in the area will be impacted by this project.
- **Visual**  
There are no scenic views or vistas on or adjacent to the project site. Substantial effects on visual resources are not anticipated in conjunction with the project development.
- **Air**  
The proposed residential subdivision will generate small sources of stationary source emissions through home heating and cooling through natural gas and electricity. Emissions are expected to be similar to those of the single-family and multi-family residential units adjacent to the site.

The project does not require an indirect source permit. No baseline air quality monitoring or modeling is proposed and no measures to mitigate for the increase in vehicle related emissions are being considered.

Dust will be generated during the construction process on the site. Mitigation of the short-term dust and odors impacts will be managed through proper coordination and construction planning.

- **Greenhouse Gas (GHG) Emissions Carbon Footprint**  
The greenhouse gases that will be emitted during the project's lifetime include construction vehicles, land use conversion, off-site utilities, residential vehicle usage, and off-site waste management. The development will incorporate mitigation measures into the design and development of the project to reduce the project's GHG emissions.

- **Noise**

Local noise levels are expected to increase temporarily during project construction and will impact the nearest sensitive noise receptors including rural residential farmsteads to the west and single family residential homes to the east.

Construction noise can be mitigated by restricting construction work to daytime hours. Contractors will be required to minimize noise impacts by maintaining equipment properly, including noise controls as specified by manufactures. The project will adhere to the City of Rochester's noise rules and standards that indicates noise should occur within specified levels depending on land use and time of day.

After construction, noise levels are expected to be at or near existing levels. Noise associated with the project will be related to residential vehicle noise. Where practical, berms and landscaping will be incorporated into the site plan and used to provide noise mitigation for the adjacent residential developments. Similar to construction noise, the residential use of the property will adhere to the City's noise rules and standards.

- **Transportation**

A Traffic Study was completed in 2023 to analyze the concept plan for the site. Operations analysis results identify a Level of Service (LOS) which indicates the quality of traffic flow through an intersection. Intersections are given a ranking from LOS A through LOS F. LOS A indicates the best traffic operation with vehicles experiencing minimal delays. LOS F indicates an intersection where demand exceeds capacity, or a breakdown of traffic flow.

The results of the operational analysis indicate that all study intersections under existing year 2023, future year 2028 (anticipated completion year), and future year 2038 (10-years after completion) traffic volumes are expected to operate at overall LOS A or better during the weekday a.m. and p.m. peak hours with the exception of Valleyhigh Road NW & Superior Drive NW intersection which operates at LOS C or better.

Additionally, no significant delay or queuing issues were observed.

Once the townhomes and single-family housing for the proposed development (Phase 1 and Phase 2) are completed, the expected AADT will exceed the 3,000-trip threshold for Local Collector Streets and will require 50<sup>th</sup> Avenue NW to become a Primary Collector level design.

Overall, the proposed development is not expected to require traffic control improvements. Traffic impacts will be further analyzed during the City's preliminary plat review process. Any traffic mitigation identified in the review will be implemented with project construction. This will include both vehicular and pedestrian improvements.

## B. Cumulative Potential Effects

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Minnesota Rule 4410.1700, Subp. 7 (B) indicates that the second factor the City must consider is whether the proposed project has potentially significant cumulative effects. This includes “whether the cumulative potential effect is significant, whether the contribution from the project is significant when viewed in connection with other contributions to the cumulative potential effect; the degree to which the project complies with approved mitigation measures specifically designed to address the cumulative potential effect; and the efforts of the project proposer to minimize the contributions from the project.” The City’s findings are described below.

The potential cumulative effects on public infrastructure would include municipal water supply systems, sanitary sewer conveyance and treatment systems, stormwater management systems, and traffic and transportation systems. The West Zumbro Sewer Extension Project is currently underway and the project is extending sanitary sewer from approximately 19 Street NW to Valleyhigh Road NW west of the Fox Trails and Badger Ridge developments. The addition of the sanitary sewer in this area will allow the City to support planned future growth in this area. Due to the predicted increase in development and the infrastructure in place to accommodate growth in the City of Rochester, cumulative effects on public infrastructure are not expected to be significant.

For natural resources, the potential cumulative effects resulting from future projects depends on several factors including type, density, and location of future developments. The potential effects on natural resources will vary depending on project location and the extent of habitat diversity. The effects the proposed project has on natural resources such as wetland, vegetation communities, and wildlife resources may combine with nearby projects to result in local cumulative effects. The cumulative effects of suburban development on these natural resources can result in the loss of agricultural land, wetlands, and fragmentation of wildlife habitat. The proposed project and the adjacent future projects are all on agriculture land that includes fragmented wildlife habitat or no wildlife habitat and low quality wetland habitat. Therefore, it is unlikely that significant changes to existing natural resource habitat will occur as a result of these developments.

Stormwater runoff from projects within the City of Rochester will ultimately drain into the Zumbro River then the Mississippi River. The federal, state, and local stormwater regulations for development projects combined with the implementation of BMPs to control erosion and sedimentation during construction are anticipated to minimize cumulative effects of pre and post-development runoff into downstream surface waters.

## C. Extent to Which Environmental Effects are Subject to Mitigation

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Minnesota Rule 4410.1700, Subp 7 (C) indicates that a third factor the City must consider is the “extent to which environmental effects are subject to mitigation by ongoing public regulatory authority.” The City’s findings are described in Table 1 below.

Environmental effects on water quality, wetlands, and traffic are subject to additional approvals and/or mitigation through requirements of local, state, and federal regulations, ordinances, management plans, and permitting processes. Potential environmental effects associated with this project will be mitigated in accordance with applicable rules and regulations. The following permits and approvals are required for the project addressed under the EAW.

**Table 4 (in EAW). Required Permits and Approvals for the Proposed Project**

Unit of Government	Types of Application	Status
<b>Federal</b>		
U.S. Army Corps of Engineers (USACE)	Clean Water Act Section 404 Permit	To be submitted, if necessary
<b>State</b>		
Minnesota Department of Health (MDH)	Watermain Extension Permit	To be submitted
Minnesota Department of Natural Resources (MN DNR)	Water Appropriation Permit (Construction Dewatering)	To be submitted, if necessary
Minnesota Pollution Control Agency (MPCA)	National Pollution Discharge Elimination System (NPDES)/State Disposal System (SDS) General Permit	To be submitted
	Sanitary Sewer Extension Approval	To be submitted
	Section 401 Water Quality Certification or Waiver	To be submitted, if necessary
	10-day Demolition Notification	If needed
<b>Local</b>		
City of Rochester	Wetland Conservation Act Delineation Boundary Concurrence	Received
	Wetland Impact and Replacement Plan	To be submitted
	Stormwater Management Plan	To be submitted
	Erosion and Sediment Control Plan	To be submitted
	Rezoning	Approved
	Preliminary Plat	To be submitted
	Final Plat Approval	To be submitted
	General Development Plan	To be submitted
	Grading Permit	To be submitted
	Building Permit	To be submitted
Olmsted County	Access Permit(s)	To be submitted
	Right-of-Way Permit	To be submitted

#### D. Extent to Which Environmental Effects can be Anticipated and Controlled

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Minnesota Rules 4410.1700, Subp 7 (D) indicates the final factor the City must consider is the “extent to which environmental effects can be anticipated and controlled as a result of other environmental studies undertaken by public agencies or the project proposer, including other EISs.” The City’s findings are set forth below.

1. The proposed project design, plans, EAW, related studies, and mitigation measures apply knowledge, approaches, standards, and best management practices gained from previous experience and projects that have, in general, successfully mitigated potential offsite environmental effects.
2. The EAW, in conjunction with this document, contains or references the known studies that provide information or guidance regarding environmental effects that can be anticipated and controlled.
3. Other project studies under environmental reviews in Minnesota have included studies and mitigation measures comparable to those included in this EAW.
4. There are no elements of the project that pose the potential for significant environmental effects that cannot be addressed by the project design, assessment, permitting, and development processes, and by ensuring conformance with regional and local plans.
5. The environmental effects of this development can be anticipated and controlled by the permit application and review processes of the City, Olmsted County Soil and Water Conservation District, and others.
6. The City of Rochester finds that the environmental effects of the project can be adequately anticipated and controlled given the results of the environmental review and permitting process.

## 6. RECORD OF DECISION

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Based on the EAW, the response to comments, and the Findings of Fact, the City of Rochester, the RGU for this environmental review, concludes the following:

1. The EAW was prepared in compliance with the procedures of the Minnesota Environmental Policy Act and Minnesota Rules, Parts 4410.1000 to 4410.1700 (2015);
2. The EAW satisfactorily addressed the issues for which existing information could have been reasonably obtained;
3. Based on the criteria established in Minnesota Rules 4410.1700, the project does not have the potential for significant environmental effects;
4. The City makes a “Negative Declaration,” and
5. **An EIS is not required.**

# Appendix A

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AGENCY AND PUBLIC COMMENTS SUBMITTED TO  
THE CITY OF ROCHESTER







**DEPARTMENT OF THE ARMY**  
U.S. ARMY CORPS OF ENGINEERS, ST. PAUL DISTRICT  
332 MINNESOTA STREET, SUITE E1500  
ST. PAUL, MN 55101-1323

October 12, 2023

Regulatory File No. MVP-2023-01266-JST

City of Rochester  
c/o Ryan Yetzer  
4001 West River Parkway NW  
Rochester, MN 55901

Dear Mr. Yetzer:

This letter is in response to correspondence we received from Alliant Engineering Inc. regarding the Valleyhigh Development Project. This letter contains our initial comments on this project for your consideration. The purpose of this letter is to inform you that based on the Valleyhigh Development: EAW, a Department of the Army (DA) permit would be required for your proposed activity. In lieu of a specific response, please consider the following general information concerning our regulatory program that may apply to the proposed project.

If the proposal involves activity in navigable waters of the United States, it may be subject to the Corps of Engineers' jurisdiction under Section 10 of the Rivers and Harbors Act of 1899 (Section 10). Section 10 prohibits the construction, excavation, or deposition of materials in, over, or under navigable waters of the United States, or any work that would affect the course, location, condition, or capacity of those waters, unless the work has been authorized by a Department of the Army permit.

If the proposal involves discharge of dredged or fill material into waters of the United States, it may be subject to the Corps of Engineers' jurisdiction under Section 404 of the Clean Water Act (CWA Section 404). Waters of the United States include navigable waters, their tributaries, and adjacent wetlands (33 CFR § 328.3). CWA Section 301(a) prohibits discharges of dredged or fill material into waters of the United States, unless the work has been authorized by a Department of the Army permit under Section 404. Information about the Corps permitting process can be obtained online at <http://www.mvp.usace.army.mil/regulatory>.


The Corps evaluation of a Section 10 and/or a Section 404 permit application involves multiple analyses, including (1) evaluating the proposal's impacts in accordance with the National Environmental Policy Act (NEPA) (33 CFR part 325), (2) determining whether the proposal is contrary to the public interest (33 CFR § 320.4), and (3) in the case of a Section 404 permit, determining whether the proposal complies with the Section 404(b)(1) Guidelines (Guidelines) (40 CFR part 230).

If the proposal requires a Section 404 permit application, the Guidelines specifically require that "no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences" (40 CFR § 230.10(a)). Time and money spent on the proposal prior to applying for a Section 404 permit cannot be factored into the Corps' decision whether there is a less damaging practicable alternative to the proposal.

If an application for a Corps permit has not yet been submitted, the project proposer may request a pre-application consultation meeting with the Corps to obtain information regarding the data, studies or other information that will be necessary for the permit evaluation process. A pre-application consultation meeting is strongly recommended if the proposal has substantial impacts to waters of the United States, or if it is a large or controversial project.

If you have any questions, please contact me in our St. Paul office at (651) 290-5532 or Joseph.Toth@usace.army.mil. In any correspondence or inquiries, please refer to the Regulatory file number shown above.

Sincerely,

A handwritten signature in black ink that reads "Joseph Toth". The signature is written in a cursive, slightly slanted style.

Joseph Toth  
Regulatory Specialist

cc:

Keara Fehr, (Agent – Alliant Engineering Inc.)  
Jeff Brown, (Applicant – West 80 Properties LLC)  
Don VanKeulen, (LGU – City of Rochester)  
Jed Chesnut, BWSR

October 31, 2023

Ryan Yetzer  
Deputy Director  
City of Rochester  
4001 West River Parkway Northwest  
Rochester, MN 55901  
[Communitydevelopment@rochestermn.gov](mailto:Communitydevelopment@rochestermn.gov)

Re: Valleyhigh Development - Environmental Assessment Worksheet

Dear Ryan Yetzer:

Thank you for the opportunity to review and comment on the Environmental Assessment Worksheet (EAW) for the Valleyhigh Development project (Project) located in Rochester, Olmstead County, Minnesota. The Project consists of The Valleyhigh Development project is a proposed low and medium density residential development on an existing approximately 75-acre agriculture site in the City of Rochester, Olmsted County, Minnesota. The project includes approximately 192 proposed single-family homes and 660 proposed multi-family homes and is located near the intersection of Valleyhigh Road (Rd) NW and 50th Avenue (Ave) NW. The project will include a new internal roadway network, stormwater features, and the installation of municipal sanitary sewer and water utilities. Minnesota Pollution Control Agency (MPCA) staff has reviewed the EAW and have no comments at this time.

We appreciate the opportunity to review this project. **Please provide the notice of decision on the need for an Environmental Impact Statement.** 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 actions 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 concerning our review of this EAW, please contact me by email at [Chris.Green@state.mn.us](mailto:Chris.Green@state.mn.us) or by telephone at 507-476-4258.

Sincerely,

*Chris Green*

*This document has been electronically signed.*

Chris Green  
Project Manager  
Environmental Review Unit  
Resource Management and Assistance Division

CG:rs

cc: Dan Card, MPCA Metro  
Wayne Cords, MPCA Rochester  
Aaron Hinz, MPCA Metro  
Kirsten Barta, MPCA Metro  
Jeff Hedman, MPCA Metro  
Megan Kuhl-Stennes, MPCA Metro  
Innocent Eyoh, MPCA Metro



161 St. Anthony Ave, Suite 919 Saint Paul, MN 55103

[MIAC.Culturalresources@state.mn.us](mailto:MIAC.Culturalresources@state.mn.us)

Date: 11/01/2023

Ryan Yetzer  
City of Rochester  
507-328-2600  
communitydevelopment@rochestermn.gov

**Project Name:**

Valleyhigh  
Development

**Submitter's  
Project ID:**

<b>Known or Suspected Cemeteries</b>
<input type="checkbox"/> Platted Cemeteries <input type="checkbox"/> Unplatted Cemeteries <input type="checkbox"/> Burial File <input type="checkbox"/> Authenticated Burial
<b>Notes/Comments</b>
MIAC has completed the EAW review, for the proposed Valleyhigh Development housing project. No state archaeological sites, or known areas of cultural significance to regional American Indian tribes were identified in the project area. MIAC concurs with SHPO that no known cultural resources are impacted by project. For questions on this review, please contact MIAC cultural resource staff.
<b>Recommendations</b>

- Not Applicable
- No Concerns
- Monitoring
- Avoidance
- Phase Ia – Literature Review
- Phase I – Reconnaissance survey
- Phase II – Evaluation
- Phase III – Data Recovery
- Other

If you require additional information or have questions, comments, or concerns please contact our office.

Sincerely,

John Reynolds  
Cultural Resource Specialist  
MIAC  
161 St. Anthony Avenue, Ste. 919  
Saint Paul MN 55103  
651.539.2200  
John.Reynolds@state.mn.us



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

Transmitted by Email

November 9, 2023

Allison Sosa, Planning Supervisor  
City of Rochester  
201 4<sup>th</sup> Street SE  
Rochester, MN 55904

Dear Allison Sosa,

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

1. Section 7, Table 4. Climate Adaptation and Resilience. We appreciate that the project includes planting over 500 trees, and recommend that native species be used to the greatest extent possible to benefit local wildlife and reduce the spread of invasive species. Please see DNR recommendations on [native trees to plant for a changing climate](#).
2. Section 11, Geology. Please note that while no karst features have been mapped in the project area, a portion of the site is mapped as a region prone to surface karst feature development. It is good that a geotechnical investigation will be completed for the site.
3. Section 12, Groundwater. Please note that the site is also located within the Rochester NW Drinking Water Supply Management Area. Potential pollutants need to be handled with care in order to protect the drinking water of the city.
4. Section 12, Wastewater. Please note that the large number of additional residential units will presumably add a significant number of residential water softeners due to the water hardness levels of the City of Rochester municipal water supply. Many [Minnesota municipalities](#) are wrestling with high chloride levels in their wastewater.

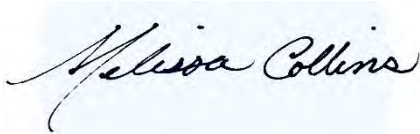
Chloride is one of the components of salt, which is used in forms such as sodium chloride (table salt), calcium chloride and magnesium chloride (road salts). Sodium chloride is commonly used in home water softeners and by water treatment plants to treat “hard” water. Minnesota generally has groundwater with high levels of calcium and magnesium that must be removed through softening in order to improve taste and prevent lime scale buildup in appliances, pipes and water fixtures. The majority of home water softeners use sodium chloride (NaCl) in a softening process that replaces calcium and magnesium ions with sodium, while the chloride ions are discharged in the wastewater and eventually end up in the environment.

The City of Rochester developed a 2014 [Rochester Chloride Management Plan](#). We encourage the proposer to utilize strategies identified within the plan to reduce chloride use in home water softeners and winter sidewalk, parking lot, and road maintenance. The Minnesota Pollution Control's [website](#) also provides many great resources for cities and counties looking to participate in the [Statewide Chloride Management Plan](#) and provide public outreach to reduce the overuse of chloride.

5. Section 17, Dust and Odors. Because the project is within the Rochester NW Drinking Water Supply Management Area, we strongly recommend that products containing chloride not be used for dust suppression.

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

Sincerely,

A handwritten signature in black ink that reads "Melissa Collins". The signature is written in a cursive style and is set against a light blue rectangular background.

Melissa Collins  
Regional Environmental Assessment Ecologist | Ecological and Water Resources  
Minnesota Department of Natural Resources  
1200 Warner Road  
St. Paul, MN 55106  
Phone: 651-259-5755  
Email: melissa.collins@state.mn.us

CC: Jeff Brown, North Rock Real Estate

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# Appendix B

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CITY OF ROCHESTER RESOLUTION

FINDING OF NO NEED FOR EIS





## RESOLUTION

**Adopting a Negative Declaration for an Environmental Impact Statement (EIS) for Environmental Assessment Worksheet No. CD2023-001EAW by Jeff Brown of North Rock Real Estate, for a proposed development located at the southwest corner of the Valleyhigh Rd NW and 50th Ave NW intersection.**

WHEREAS, the laws of the State of Minnesota require that an Environmental Assessment Worksheet (EAW) be prepared whenever a proposed development project proposes more than 375 attached dwelling units (Minnesota Rules 4410.4300 Subpart 19); and

WHEREAS, the future Valleyhigh Development project within the City of Rochester meets the criterion established for the preparation of the EAW; and

WHEREAS, an EAW was prepared for the Valleyhigh Development project and reviewed by the Development Review Team and the draft document was circulated for comments to the required state and federal agencies, as provided by law; and

WHEREAS, notice of availability of the EAW was published in the EQB Monitor on October 10, 2023, and the thirty day comment period expired on November 9, 2023, and during such period four written comments were received; and

WHEREAS, the Common Council is required by law to make a finding on the adequacy of the EAW and to determine whether an Environmental Impact Statement (EIS) should be prepared; and

WHEREAS, the Common Council met at a regularly scheduled meeting on December 11, 2023, and considered the EAW, the reports of City staff, and the comments received from the parties as noted above.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Rochester, Minnesota, that the Common Council makes the following findings regarding the environmental impact of the proposed development currently known as Valleyhigh Development:

1. The Environmental Assessment Worksheet and related documentation for the Valleyhigh Development project were prepared in compliance with the procedures of the Minnesota Environmental Policy Act and Minnesota Rules, parts 4410.1000 to 4410.1700. All requirements for environmental review of the proposed project have been met.
2. The EAW has generated information that is adequate to determine whether the project has the potential for significant environmental effects.
3. Based on the criteria in Minnesota Rules, part 4410.1700, the project **does not** have the potential for significant environmental effects.

4. The Responsible Government Unit (RGU) makes a Negative Declaration and does not require the preparation of an Environmental Impact Statement (EIS).

BE IT FURTHER RESOLVED, that based on the findings above, the Common Council has determined that the development currently known as Valleyhigh Development does not have the potential for significant environmental effects and that preparation of an Environmental Impact Statement (EIS) is not mandated in this instance; and,

BE IT FURTHER RESOLVED that nothing in this determination that the EAW is adequate should be interpreted in any way to suggest that the City approves of the proposed development.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF

ROCHESTER, MINNESOTA, THIS 11th DAY OF December, 2023.

ATTEST:   
CITY CLERK

  
PRESIDENT OF SAID COMMON COUNCIL

APPROVED THIS 18th DAY OF December, 2023.



  
MAYOR OF SAID CITY