

RESOLUTION NO. 2020-12

**STATE OF MINNESOTA
COUNTY OF MILLE LACS
PRINCETON TOWNSHIP**

**RESOLUTION DENYING A PETITION FOR THE PREPARATION OF AN
ENVIRONMENTAL ASSESSMENT WORKSHEET FOR THE SILVER LAKE OAKS
PROJECT TO BE LOCATED IN PRINCETON TOWNSHIP**

WHEREAS, on April 14, 2020, Princeton Township (“Town”) received from the Environmental Quality Board (“EQB”), a petition (“Petition”) requesting that the Town’s Board of Supervisors (“Town Board”) require an environmental assessment worksheet (“EAW”) for the Silver Lake Oaks residential development project, which includes approximately 75 acres of property located on the southeast side of Silver Lake and described as part of Government Lot 2, Section 35, Township 36, Range 26 (the “Project”);

WHEREAS, the EQB has designated the Town as the responsible governmental unit (“RGU”) for the Project;

WHEREAS, at its meeting on May 19, 2020, the Town Board considered the request for the EAW and a response to the Petition prepared by the Project engineer, and the petitioners, the Project developers and their representatives were provided the opportunity to present information;

WHEREAS, the Town Board considered all of the information presented at its May 19, 2020 meeting, and the Project had previously been reviewed and found acceptable by the Town Engineer;

WHEREAS, the EQB rules (Minnesota Rules Part 4410.1100, subpart 6) require the Town to determine whether, because of the nature or location of the Project, the Project may have the potential for significant environmental effects;

WHEREAS, the EQB rules (Minnesota Rules Part 4410.1700, subpart 7) further require the Town to consider the following factors:

- a. Type, extent, and reversibility of environmental effects;
- b. Cumulative potential effects: 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 proposer to minimize the contributions from the project;

- c. The extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority; and
- d. The extent to which environmental effects can be anticipated and controlled as a result of other available environmental studies undertaken by public agencies or the project proposer, including other environmental impact statements.

NOW, THEREFORE, BE IT RESOLVED THAT that based on all of the evidence presented and the findings below, and upon consideration of the factors and criteria set forth in Minnesota Rules Part 4410.1100, subpart 6 and Part 4410.1700, subpart 7, the Town Board determines that the Project does not present the potential for significant environmental effects:

1. The Project proposes (a) the construction of 21 homes on 75 acres of property, which includes the construction and installation of driveways, structures and individual septic treatment systems, (b) the construction of a new road within the Project area, and (c) the installation of stormwater facilities, including stormwater basins. While the Town acknowledges there is a potential for some environmental impact, the evidence demonstrates that the Project is not likely to have significant environmental impacts, which is required by Minnesota Rules Part 4410.1100, subpart 6.
2. The petitioners assert that the Project will have significant environmental effects in the following ways. Each of these assertions is addressed in the findings below:
 - a. *Topographical lay of the land suggests serious contamination potential of residential aquifer supply, adjacent wetlands, the Rum River overflow ditch by run-off, septic waste, lawn irrigation and petroleum by increased vehicle traffic.* The Petition does not include an engineer's report, maps or other detailed information supporting potential contamination in the area of the Project. The report prepared by the Project developer notes that prior to seeking approval for the Project, the developer conducted wetland delineations, soil borings and on-site investigations regarding potential contamination. The Project developer also communicated with the Minnesota Department of Natural Resources ("DNR") for an independent lake study and biological survey information, and they gathered soil and other information from the Minnesota Board of Water and Soil Resources. With regard to runoff, (1) the Project includes stormwater basins to collect runoff, to infiltrate and to treat stormwater before it is discharged, (2) the Project does not increase the stormwater runoff rate, and (3) the Project also includes easements and wetland buffers surrounding all native wetlands and proposed stormwater basins. With regard to the septic systems identified in the Project, they will be installed only if they adhere to Mille Lacs County standard and Minnesota Rules. Additionally, the Project area has soils that are favorable to superior infiltration and treatment of effluent, and the septic sites are designed to create a buffer from wetlands and other sensitive areas. With regard to the water supply wells and aquifers, resources from the Minnesota Department of Health, Minnesota Pollution Control Agency and the DNR were reviewed to ensure sufficient water supply to support the residential development. The information

demonstrated that the area's aquifers are easily accessed with a moderately deep well and that water availability is sufficient.

Overall, the Town has not found evidence that run-off, septic waste, lawn irrigation or petroleum from increased vehicle traffic will create serious contamination potential of the residential aquifer supply, the adjacent wetlands, or the Rum River overflow ditch.

- b. *Contamination by recreational vehicle and watercraft on Silver Lake, and winter snowmobile access to the lake and southern bordering wetlands are serious concerns.* Silver Lake is classified as a DNR recreational development lake, not a natural environment lake or sensitive shoreland, and only a limited number of lots will have riparian rights to the lake. Additionally, the homes on the lake will be setback in accordance with DNR standards, and easements will create a buffer to allow for runoff to be filtered in the buffer area. The Town has not found evidence that access to Silver Lake will create additional contamination of the lake.
- c. *The current plan submitted shows 21 septic systems located around the perimeter which is cause for concern.* The Petition does not include an engineer's report, maps or other detailed information supporting concerns due to the number or location of individual septic systems in the Project. As is noted above, septic systems in the Project area will be installed only if they adhere to Mille Lacs County standard and Minnesota Rules, the Project area has soils that are favorable to infiltration and treatment of effluent, and the septic sites are designed to create a buffer from wetlands and other sensitive areas. The Town has not found evidence supporting concerns with regard to the installation of septic systems.
- d. *Potential noise and harm to wildlife due to increased density and possible target shooting.* Firearm shooting and noise regulations in residential areas will apply to the Project, and given the size of the lots and the additional regulation, there may be less shooting in the area than currently exists.

As part of the Project engineer's environmental review, it was determined that the DNR does not identify any "rare animals" or "rare plants" in the area of the Project, and it was not identified as a breeding location for trumpeter swans. Additionally, the Project was designed to minimize habitat impact by restricting excavation and other construction only to those areas being constructed, and there is no mass grading proposed. Overall, the Town has not found evidence that the Project will negatively impact any wildlife or any sensitive species.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Petition to require preparation of an EAW is hereby denied because the evidence presented fails to demonstrate that the Project may have the potential for significant environmental effects; and

BE IT FINALLY RESOLVED, the Town Clerk is hereby authorized and directed to mail a copy of this Resolution to the representative for the petitioners, the EQB staff, the property owners and the Project developer within five days of the date it was adopted. The Town Clerk is also authorized to complete the online submission form for the EQB Monitor found on the EQB's website and to upload a copy of this Resolution.

Adopted this 19th day of May, 2020.

BY THE TOWN BOARD



Town Chairperson

Attest: 

Town Clerk