

CITY OF NORTHFIELD, MN  
CITY COUNCIL RESOLUTION 2021-096

RESOLUTION DENYING CITIZEN PETITION FOR PREPARATION OF AN  
ENVIRONMENTAL ASSESSMENT WORKSHEET FOR THE PROPOSED KRAEWOOD  
PROJECT

- WHEREAS, by letter, dated September 17, 2021, from Katrina Hapka, Environmental Review Program Coordinator,, the City of Northfield (“City”) received from the Minnesota Environmental Quality Board (“EQB”) a petition, dated August 26, 2021 (“Petition”) requesting that the City Council require an environmental assessment worksheet (“EAW”) for the proposed project known as the Kraewood Development, to be located at 600 Greenvale Ave., Parcel ID - 2236150010, and Parcel ID – 2236125002, Northfield, MN 55057 (the “Project”); and
- WHEREAS, the Petition was signed by 751 individuals, more than half of which are Northfield residents; and
- WHEREAS, the EQB has designated the City as the responsible governmental unit (“RGU”) for the Project; and
- WHEREAS, the Petition has been submitted pursuant to Minnesota Rules, part 4410.1100, which requires, within thirty (30) days of receipt of the Petition from the EQB, the City to review the evidence presented by the petitioners, evidence provided by the Project proposer, and other evidence otherwise known to the City and determine whether, because of the nature or location of the Project, the Project may have the potential for significant environmental effects; and
- WHEREAS, Minnesota Rules, part 4410.1100, Subp. 2, requires in part that the Petition contain: “E. material evidence indicating that, because of the nature or location of the proposed project, there may be potential for significant environmental effects. The material evidence must physically accompany the petition. It is not sufficient to merely provide a reference or citation to where the evidence may be found.”; and
- WHEREAS, Minnesota Rules, part 4410.1100, Subp. 6, states that: “The RGU shall order the preparation of an EAW if the evidence presented by the petitioners, proposers, and other persons or otherwise known to the RGU demonstrates that, because of the nature or location of the proposed project, the project may have the potential for significant environmental effects. The RGU shall deny the petition if the evidence presented fails to demonstrate the project may have the potential for significant environmental effects. In considering the evidence, the RGU must take into account the factors listed in part 4410.1700, subpart 7. The RGU shall maintain, either as a separate document or contained within the records of the RGU, a record, including specific findings of fact, of its decision on the need for an EAW”; and
- WHEREAS, in deciding whether the Project may have the potential for significant environmental effects, Minnesota Rules, part 4410.1700, subp. 7, requires the City Council to

consider the following criteria:

- A. The type, extent, and reversibility of environmental effects;
- B. The cumulative potential effects, including the following factors: 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. The RGU may rely on mitigation measures that are specific and that can be reasonably expected to effectively mitigate the identified environmental impacts of the Project; 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 (“EIS”).

WHEREAS, the City Council considered the Petition for an EAW at its meeting on October 5, 2021. The petitioners and the Project proposer were provided the opportunity to present information and comment. The City Council considered all of the evidence and information presented as well as the staff report, which are incorporated herein by reference into this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL THAT:

1. The City Council hereby makes and adopts the Findings of Fact, which are attached hereto and incorporated herein by reference as Exhibit A; and
2. Based upon the attached Findings of Fact, the City Council hereby concludes that the evidence presented fails to demonstrate that the Project, based on its nature or location, may have the potential for significant environmental effects. The Petition for preparation of an EAW for the Project is therefore denied and dismissed in its entirety and City staff are authorized and directed, within five days of this decision, to notify, in writing, the Project proposer, the EQB staff, and the petitioner's representative of this decision.

PASSED by the City Council of the City of Northfield on this \_\_\_\_ day of \_\_\_\_\_, 2021.

ATTEST

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

VOTE:      \_\_\_ POWNELL            \_\_\_ GRABAU            \_\_\_ NAKASIAN      \_\_\_ NESS  
             \_\_\_ PETERSON WHITE    \_\_\_ REISTER        \_\_\_ ZUCCOLOTTO

## **EXHIBIT A**

### **FINDINGS OF FACT**

#### **Nature and Location of Project**

1. Rebound Real Estate has applied for a preliminary plat to create Kraewood Addition on property known as the Paulson Christmas Tree Farm. The parcel is approximately 12.5 acres and proposes to create 31 lots and is zoned N2-B: Neighborhood General 2. The proposed site layout consists of 22 single-family homes, 2 twin homes, 1 four-plex/row house and a 100-dwelling unit apartment building. In total, 130 dwelling units on 12.5 acres, with a gross density of 10.4 units/acre.
2. The current land use on the site includes agricultural use for a tree farm with a home, outbuilding, and private driveway. Cultivated coniferous trees of various sizes occupy the site, with cultivated rows occupying the central portion of the property. Exterior portions of the site have more mixed tree varieties including both coniferous and deciduous species.
3. The Project site has rolling terrain, with a high point elevation of approximately 980 feet at the southwest corner and low elevation of approximately 946 feet at the northeast corner. There are no mapped floodplain on the property. The National Wetland Inventory(NWI) maps do not identify potential wetlands on the subject property. Soil types include 104B and 414. An on-site field investigation would be needed to verify whether any Wetlands exist on the property.
4. Adjacent land uses to the Project site include a developed early education and elementary public school site to the north, across Lincoln Parkway, with established residential neighborhoods to the west and east as well as to the south across from Greenvale Avenue comprised primarily of single family detached homes.
5. The proposed project includes a subdivision plan that has been reviewed for conformance with the Comprehensive Plan and has been found to be in alignment with Comprehensive Plan objectives. The majority of the site is zoned N2-B: Neighborhood General 2. There is an existing homestead on the property. The homestead site and a narrow parcel on the northern edge of the site (adjacent to Lincoln Parkway) are zoned N1-B: Neighborhood General 1. The Conservation and Development map in the Comprehensive Plan denotes these parcels as “Infill Sites” and “Developable Land”. The Comprehensive Plan states this about “Infill Sites”:

*Infill sites are frequently the “next to develop” and typically already have access to infrastructure. Even though these sites are undeveloped, the fact that they are already zoned gives those specific entitlements or the right to develop certain land uses at certain densities. Redevelopment and intensification sites present the biggest challenge to develop as they have existing structures, and the community has an expectation or desire for a similar use that currently exists.*

*In considering the public’s vision for future growth a series of land use maps were created. The land use maps reflect the community’s desire to return to a more traditional development pattern that is connected, and promotes inward rather than outward growth. The land use maps are intended to act as a framework for future development. These maps should be considered when evaluating future development, and generally illustrate the preferred development pattern.*

6. This parcel was a tree farm, but has not actively operated as an agricultural business for many years. “Infill Sites” identify these areas as best suited for redevelopment and land intensification along the corridor with a mix of uses, with increased intensity at major nodes, or intersections, and with a redesign of existing roadways to calm traffic flow, which this project will achieve. “Neighborhood General 1” in the Framework Map of the Comprehensive Plan states:

*Future Character: While considering the adjacent pattern typified of this zone, future development in the Neighborhood General 1 zone should be more pedestrian friendly and reflect traditional neighborhood qualities, such as a gridlike street pattern, the built form’s relationship to the street, and street connectivity. These qualities are further explained in the Land Use Principles found earlier in this chapter.*

### **Zoning**

7. With the exception of the existing homestead site and a narrow parcel along the south side of Lincoln Parkway, the property is zoned N-2B. Development of the property is subject to the land uses, site design standards and regulations of the Northfield Land Development Code and N-2B Zoning District. This zoning district allows for a mix of different styles and densities of residential uses. Section 2.3.6 of the Land Development Code includes the following language and identifies its relationship to the Comprehensive Plan:

*The Neighborhood General 2 (N2) district is applied to residential neighborhoods of the city that may include larger vacant areas within the current city limits and areas that will be within city limits through future annexations. The N2 district will create a pedestrian-friendly environment, such as found in the R1 district, with strong neighborhood qualities, such as a grid-like street pattern, consistent block size, compact development, a range of housing types and architectural styles, street connectivity, sidewalks, and homes located in close relationship to the street. In addition, the N2 district will include greenways and natural areas, and options for neighborhood-serving commercial. This development pattern is the preferred future pattern for the city, as expressed in the comprehensive plan.*

### **Petition Topics**

8. The citizen petition for a discretionary EAW alleges that “*This development will impact the Federally Endangered rusty patched bumble bee (Bombus affinis) by directly reducing its population, by eliminating habitat and by reducing the quality of that habitat. The property may also have existing wetlands and disturbance of existing grasslands and forests will increase runoff and worsen flooding in the area. Increased traffic in the area is also a concern.*”.

### **Federally Listed Endangered Rusty Patched Bumble Bee:**

9. The petition alleges the development will impact the federally Endangered rusty patched bumble bee by directly reducing its population, by eliminating habitat and by reducing the quality of that habitat. Also stating the development has the potential to directly reduce the rusty patched bumble bee population by killing or harming individuals during the development process.

### **Type, extent, and reversibility of environmental effects**

10. The U.S. Fish and Wildlife Service Question and Answer document for the Rusty Patched Bumble Bee Final Critical Habitat Determination identifies that:

The agency listed the bee as endangered under the Endangered Species Act in January 2017. After more in-depth analysis, the Service found that designating critical habitat for the bee is not warranted. The following is an excerpt from the document:

**Why did the Service determine that designating critical habitat for the rusty patched bumble bee is not prudent?**

The Service found that the rusty patch is a habitat generalist and can find the habitat it needs in a variety of habitats, including prairies, woodlands, marshes, agricultural landscapes and residential parks and gardens which are abundant and widely distributed across the historical range of the rusty patch. The best scientific data available indicate that the present or threatened destruction, modification or curtailment of the rusty patched bumble bee’s habitat or range is not the primary threat to the species. Because habitat for the rusty patched bumble bee is not the key limiting factor, and because the bee is considered to be flexible with regard to its habitat use for foraging, nesting and overwintering, the availability of habitat does not limit the conservation of the rusty patched bumble bee now, nor will it in the future.

**What steps is the Service taking to protect and recover the rusty patched bumble bee?**

The rusty patched bumble bee was listed as endangered under the ESA in 2017. Listing protects species by prohibiting “take” under section 9 of the ESA. The take prohibition includes activities that result in the direct killing or injury to listed animal species.

In addition, section 7 of the ESA protects listed species by requiring that other federal agencies formally consult with the Service to ensure that their actions are not likely to jeopardize the continued existence of a listed species or adversely modify critical habitat. Through this consultation, the Service works with the federal agency and advises on whether the actions would affect the species or critical habitat as well as ways to avoid those impacts.

11. According to the Petition, since 2019 rusty patched bumble bees have been observed in the vicinity of the Project at distances measuring between 50-500 feet, with additional individuals observed approximately one mile to the west.
12. A Petition is required to contain: “E. material evidence indicating that, because of the nature or location of the proposed project, there may be potential for significant environmental effects. The material evidence must physically accompany the petition. It is not sufficient to merely provide a reference or citation to where the evidence may be found.”<sup>1</sup>
13. The courts have interpreted “material evidence” to mean that the evidence filed with the EAW petition must be evidence that is “admissible, relevant, and consequential to determine whether the project may have the potential for significant environmental effects.”<sup>2</sup> “Allegations of vague or generalized fears and concerns are therefore not sufficient under the statute.”<sup>3</sup> “Moreover, in determining whether an EAW is warranted, an RGU properly considers “the extent to which the

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<sup>1</sup> Minn. R 4410.1100, Subp. 2.

<sup>2</sup> *Watab Twp. Citizen Alliance v. Benton Cnty. Bd. of Comm'rs*, 728 N.W.2d 82, 90 (Minn. App. 2007), review denied (Minn. May 15, 2007).

<sup>3</sup> *Id.*

environmental effects are subject to mitigation by ongoing public regulatory authority.”<sup>4</sup> The material evidence must also physically accompany the petition. It is not sufficient to merely provide a reference or citation to where the evidence may be found.<sup>5</sup>

14. In this case the evidence provided with the Petition does not meet the standard for materiality since there is no basis to determine credibility or accuracy of sightings nor does the Petition present evidence of effects other than generalized concerns.
15. The Minnesota Biological Survey Native Plant Community and Rare Species map for Rice County does not identify the presence of Natural Communities or Rare Species within the vicinity of the proposed Project site, with the nearest identified Natural Communities located east of the Railroad corridor.
16. Vegetation loss would occur with development of the Project site. The City’s policies require completion of a tree inventory and include tree replacement, tree planting and landscaping requirements within new development. The development proposal identifies the intent to reserve a wooded open space in the northeast portion of the site, and much of the perimeter includes a 30’ wide tree preservation area.

Cumulative potential effects

17. Past developments surrounding the Project site have been completed, primarily with residential homes. A recently constructed elementary school is located to the north of the site, across Lincoln Parkway.
18. As adjacent areas developed, vegetation was lost, with some mature trees remaining, and new landscaping introduced with development. The Project identifies where existing trees are proposed to be preserved or included in undeveloped open space, and new landscaping will be incorporated with development.
19. The Project site would include changes to the landscape that can be anticipated with development of neighborhoods within a City.
20. There are no other known proposed projects in the Project area to be considered for potential cumulative effects related to biodiversity.

Mitigation by ongoing regulatory authority

21. The U.S. Fish and Wildlife Service and the National Oceanic and Atmospheric Administration National Marine Fisheries Service share responsibility for administration of the Endangered Species Act, and have ongoing regulatory authority.
22. The U.S. Fish and Wildlife Service (USFWS) Ecological Services program issues permits for native endangered and threatened species. The Project proposer is responsible for securing any required permits that may be applicable. Incidental take permits may be sought when a non-federal entity believes their otherwise lawful activities may result in take of endangered or threatened animal species. A habitat conservation plan must accompany an application for an

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<sup>4</sup> *Id.* (citing Minn. R. 4410.1700, subp. 7 (2005)).

<sup>5</sup> Minn. R 4410.1100, Subp. 2.

incidental take permit. The habitat conservation plan associated with the permit ensures that the effects of the authorized incidental take are adequately minimized and mitigated. If determined to be necessary or appropriate by the City on its consideration of the application for preliminary plat in connection with the Project, the City could condition such preliminary plat approval on the applicant securing an incidental take permit from USFWS (with accompanying habitat conservation plan).

Extent Anticipated or Controlled, or Other studies

23. The U.S. Fish and Wildlife Service has studies and resources available on their website, related to the rusty patched bumble bee, the bee habitat, and habitat enhancement efforts. The USFWS published Question & Answer document titled “Final Listing of Rusty Patched Bumble Bee as Endangered”, dated January 9, 2017 addresses causes in the decline of rusty patched bumble bee populations. Below is an excerpt from that document:

**What is causing the loss of rusty patched bumble bees?**

The rusty patched bumble bee declined rapidly during a time when bumble bee monitoring was largely limited to a few researchers. No one was aware of the rapid decline until it was well underway. There were no long-term studies specifically designed to document that the decline was occurring or to document why it was occurring. After the fact, researchers are trying to piece together the most likely causes and to set up studies to help verify their hypotheses. Experts have identified multiple threats that have likely contributed to the rusty patched bumble bee’s dramatic decline. Those threats include disease, pesticides, the effects of climate change, habitat loss and the effects of small population dynamics. It appears that no one single factor is likely responsible, but these threats working together have likely caused the decline.

**Habitat Loss and Degradation**

Habitat loss is unlikely to have been a main driver of the recent (since the mid- to late 1990s), widespread North American bee declines. But, intensive farming has reduced and degraded habitat for the rusty patched bumble bee and is likely a factor working in concert with other threats to exacerbate declines. Large areas dominated by a single crop cover do not provide the diversity of flowering plants that bumble bees need from April through October. Traditionally, field borders and “weeds” growing within crop fields provided that diversity. But widespread use of herbicide-resistant genetically modified crops and resulting broad-spectrum herbicide application has almost eliminated weeds from crop fields and reduced flowering plants from field borders. At the same time, intensive farming practices have led to converting fencerows, field borders and roadsides to crops. The result is little habitat for bumble bees across most agricultural lands.

**Potential Wetlands on the Property and Concerns with Stormwater Runoff**

24. The petitioners assert that there are potential wetlands on the property and that development will directly eliminate wetlands and worsen flooding events along Lincoln Parkway and in the yards of neighboring properties.

Type, extent, and reversibility of environmental effects

25. The National Wetland Indicator map for Rice County does not identify potential wetlands on the Project site. Two soil types are present on the property, 104B and 414. Soil type 414 is a hydric

soil but is not always associated with a wetland. An on-site field investigation would be needed to verify any potential wetlands.

26. Increased site runoff from impervious surfaces will be managed in accordance with the City of Northfield City Code and will include on-site detention/infiltration basins pursuant to Chapter 22 of Northfield City Code and applicable state law and state agency processes and requirements. Prior to construction the developer will need to secure a Construction Permit from the MN Pollution Control Agency.
27. The natural open space and tree preservation areas proposed by the Project are in excess of those required by City Code. These areas will also help filter out stormwater pollutants and prevent erosion.
28. A Petition is required to contain: “E. material evidence indicating that, because of the nature or location of the proposed project, there may be potential for significant environmental effects. The material evidence must physically accompany the petition. It is not sufficient to merely provide a reference or citation to where the evidence may be found.”<sup>6</sup>
29. The courts have interpreted “material evidence” to mean that the evidence filed with the EAW petition must be evidence that is “admissible, relevant, and consequential to determine whether the project may have the potential for significant environmental effects.”<sup>7</sup> “Allegations of vague or generalized fears and concerns are therefore not sufficient under the statute.”<sup>8</sup> “Moreover, in determining whether an EAW is warranted, an RGU properly considers “the extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority.”<sup>9</sup> The material evidence must also physically accompany the petition. It is not sufficient to merely provide a reference or citation to where the evidence may be found.<sup>10</sup>
30. In this case the evidence provided with the Petition does not meet the standard for materiality since the Petition does not present evidence of effects other than generalized concerns and to the extent concerns have been raised they will be adequately addressed through other ongoing regulatory processes.

#### Cumulative potential effects

31. There is no evidence of significant cumulative potential effects relating to wetlands or increased risk of flooding.
32. Stormwater management is incorporated into the development review and permitting process. Project documents identify on-site stormwater detention/infiltration basins. It is expected the final engineering and construction will be adequate to meet the infiltration volume, rate and flow control required under the City of Northfield City Code, and also comply with the State Pollution Control Agency requirements.

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<sup>6</sup> Minn. R 4410.1100, Subp. 2.

<sup>7</sup> *Watab Twp. Citizen Alliance v. Benton Cnty. Bd. of Comm'rs*, 728 N.W.2d 82, 90 (Minn. App. 2007), review denied (Minn. May 15, 2007).

<sup>8</sup> *Id.*

<sup>9</sup> *Id.* (citing Minn. R. 4410.1700, subp. 7 (2005)).

<sup>10</sup> Minn. R 4410.1100, Subp. 2.

Mitigation by ongoing regulatory authority

33. The Wetland Conservation Act (WCA) serves to protect and regulate potential impacts to wetlands. If wetlands do exist on the site, the developer would be subject to securing any permits that may be required. The City contracts with Rice County Soil and Water Conservation District (SWCD) to administer the WCA locally. Additionally, a No-Loss Certificate can be sought to document if there would be no loss of wetlands from the Project. Rice County SWCD has ongoing regulatory authority to administer the Wetland Conservation Act.
34. The Project will be subject to meeting existing regulatory policies. These include City of Northfield stormwater and surface water management requirements as well as the stormwater requirements of the MN Pollution Control Agency.
35. Ongoing regulatory authority exist, and would identify and mitigate potential impacts related to wetlands and/or flooding.

Extent Anticipated or Controlled, or Other studies

36. The Project proposal includes a detailed stormwater management report and geotechnical report prepared by a registered professional engineer and details existing and proposed conditions, stormwater calculations, and proposed stormwater management strategies and facilities

**Traffic Impacts**

37. The Petition identifies concerns with increased traffic and safety concern for children. The Petition also asserts that additional traffic in that area will impact the ability of worker bumble bees to access floral resources and impact the ability of queens to move between overwintering, nesting and foraging sites. Further, that the increased traffic also reduces the quality of habitat due to the added vehicle emissions.

Type, extent, and reversibility of environmental effects

38. Traffic Impact study included data collection, trip generation, trip distribution, operational analysis of the proposed development and its impacts to the surrounding transportation system. The project is expected to result in 808 total daily trips, with 57 additional AM peak hour and 72 additional PM peak hour trips. Pedestrian and non-motorized considerations were included and identified recommendations for the crosswalk location across Lincoln Parkway.
39. Both Lincoln Parkway and Greenvale are designated as “collector” streets and are anticipated to have growth in traffic.
40. The Petition did not include evidence of rusty patched bumble bee travel patterns, nesting or wintering locations to determine traffic would impact the bee irreversibly.
41. A Petition is required to contain: “E. material evidence indicating that, because of the nature or location of the proposed project, there may be potential for significant environmental effects. The material evidence must physically accompany the petition. It is not sufficient to merely provide a

reference or citation to where the evidence may be found.”<sup>11</sup>

42. The courts have interpreted “material evidence” to mean that the evidence filed with the EAW petition must be evidence that is “admissible, relevant, and consequential to determine whether the project may have the potential for significant environmental effects.”<sup>12</sup> “Allegations of vague or generalized fears and concerns are therefore not sufficient under the statute.”<sup>13</sup> “Moreover, in determining whether an EAW is warranted, an RGU properly considers “the extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority.”<sup>14</sup> The material evidence must also physically accompany the petition. It is not sufficient to merely provide a reference or citation to where the evidence may be found.<sup>15</sup>
43. In this case the evidence provided with the Petition does not meet the standard for materiality since the Petition does not present evidence of effects other than generalized concerns and to the extent concerns have been raised they will be adequately addressed through other ongoing regulatory processes.
44. Considering all these factors collectively, there is no potential for significant environmental effects related to traffic, safety, noise, or air pollution as a result of the Project.

Cumulative potential effects

45. There is no evidence of significant cumulative potential effects relating to traffic, safety, noise, or air pollution as a result of the Project.

Mitigation by ongoing regulatory authority

46. Roadway safety, intersection design, and sightline requirements will be approved through City’s platting and permitting process.
47. The City’s regulatory requirements for new development require integration of pedestrian and non-motorized facilities, new roadways and include evaluating design and safety.
48. The Project would complete a pedestrian and roadway network currently truncated at the property’s exterior boundary , a result from when adjacent lands were developed. Completing the transportation network will improve facilities and route options for people traveling in the area.
49. Future evaluation of Lincoln Parkway and the potential need for improvement will be completed, and was planned to occur after the recently constructed Greenvale School opened, travel patterns are established and schools are operating in-person regularly.
50. The City is coordinating with the School District to determine the best location for pedestrian crossings and the crossing guard assistance.

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<sup>11</sup> Minn. R 4410.1100, Subp. 2.

<sup>12</sup> *Watab Twp. Citizen Alliance v. Benton Cnty. Bd. of Comm'rs*, 728 N.W.2d 82, 90 (Minn. App. 2007), review denied (Minn. May 15, 2007).

<sup>13</sup> *Id.*

<sup>14</sup> *Id.* (citing Minn. R. 4410.1700, subp. 7 (2005)).

<sup>15</sup> Minn. R 4410.1100, Subp. 2.

Extent Anticipated or Controlled, or Other studies

51. Engineering studies and review of traffic impacts anticipated from the Project have been completed and are part of the project record, and include reports from Swing Traffic Solutions, Bolton & Menk and City Engineering staff. These analyses describe anticipated environmental effects relating to traffic, safety, and mitigation, and are incorporated herein by reference.

**Summary**

52. The evidence presented to and considered by the Council does not demonstrate that, because of the nature or location of the Project, the Project may have the potential for significant environmental effects. Any environmental effects that may result from the Project are not significant. Areas of potential concern will be monitored and negative effects mitigated through other ongoing regulatory processes.
53. Any cumulative potential effects of the Project are not significant as demonstrated in these findings of fact. The potential effects of the Project when reviewed in connection with the other potential effects in the environmentally relevant area that might reasonably be expected to affect the same environmental resources are not significant. The developer of the Project will be required to obtain and comply with all necessary permitting and approval processes required by the City and other state agencies having jurisdiction and that will address mitigation measures as appropriate. The Project minimizes potential effects by preserving natural resources areas in areas proposed for wooded open space and tree preservation. Further, the City's policies related to tree replacement, planting and landscaping will result in new plantings that could introduce new biodiversity into the project. Additionally, City and State requirements for stormwater management will be applied to this Project, and the Wetland Conservation Act and Endangered Species Act have existing regulation, management and permitting requirements that the Project developer is subject to complying with, should they apply.