Shakopee City Council
September 19, 2023

FROM: Kirby Templin, Water Resources Engineer
TO: Mayor and Council Members

Subject:
Wetland Replacement Plan for Highview Park Application 2023-2.

Policy/Action Requested:
Adopt Resolution R2023-099 approving a Wetland Replacement Plan for Highview Park.

Recommendation:
Approve Resolution R2023-099.

Discussion:
The applicant (D.R. Horton) submitted a complete Wetland Conservation Act (WCA) application for a replacement plan for the Highview Park development. The site is located on approximately 234 acres south of County Road 78 (130th St W) and west of CSAH 15 (Marystown Road). The project intends to construct 496 single-family lots and 92 twin homes with associated public roads, utilities, site amenities, and stormwater ponding.

The project proposes 36,267 sq ft (0.833 ac) of permanent impact to 5 wetlands for construction of the project. The applicant evaluated alternatives that would have avoided impacts to wetlands, but these alternatives were not feasible given requirements for roadway design and stormwater management. The wetlands that remain on site following construction will retain hydrology and will be protected with upland buffers per City of Shakopee ordinance.

The application was noticed to the WCA Technical Evaluation Panel (TEP) on June 23, 2023. The TEP is advisory in nature and makes technical findings and recommendations. TEP members include representatives from the City, Board of Water and Soil Resources (BWSR), the Scott Soil and Water Conservation District (SWCD), and the Minnesota Department of Natural Resources (DNR). Comments were allowed until July 21, 2023. The TEP met July 11, 2023 to review the project and proposed wetland impacts. The TEP was supportive of the replacement plan and recommended approval.

D.R. Horton will replace wetland impacts at a 2:1 ratio by purchasing credits from an approved wetland bank within Scott County, which meets the replacement plan siting requirements of WCA. The total amount of wetland replacement provided will be 72,534 square feet (approximately 1.666 acres).

The plan was presented to the Planning Commission on September 7, 2023. The Planning Commission voted X-X, recommending City Council approval of the wetland replacement Plan.

On behalf of the City of Shakopee, Local Government Unit for the Wetland Conservation Act, I recommend that the City Council approves the wetland replacement plan for the Highview Park development. As a condition of approval, the applicant will be required to provide verification of wetland credit purchase from the Board of Water and Soil Resources. A Notice of Decision is attached for review.

Budget Impact:
None. All expenses are to be reimbursed by developer.

ATTACHMENTS:

- Resolution 2023-099
- Notice of Decision
- Wetland Impact Map

RESOLUTION R2023-099
A RESOLUTION OF THE CITY OF SHAKOPEE, MINNESOTA APPROVING
A WETLAND REPLACEMENT PLAN FOR HIGHVIEW PARK

WHEREAS, the city has received a Wetland Replacement Plan from D.R. Horton for their site; and

WHEREAS, the applicant has demonstrated that the proposed Wetland Replacement Plan Complies with Minn. Rules Parts 8420.0520 (sequencing) and 8420.0522 (Replacement Standards); and

WHEREAS, all interested parties on file in the office of the project engineer or identified in Minn. Rule 8420.0255 (Local Government Unit Application and Decision Procedures) have been sent notice of the proposed Wetland Replacement Plan; and

WHEREAS, the Technical Evaluation Panel reviewed the proposed Replacement Plan and considered the public values, location, size and type of wetland being altered and recommended approval of the Wetland Replacement Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHAKOPEE, MINNESOTA AS FOLLOWS:

1. Based on the replacement standards in Minn. Rules 8420.0522 (Replacement Standards), and based on the recommendation of the Technical Evaluation Panel, the Wetland Replacement Plan is hereby approved.

2. Approval of the Wetland Replacement Plan shall become effective upon its adoption.

3. A copy of this decision shall be sent to all interested parties and to the applicant.

Adopted in regular session of the City Council of the City of Shakopee, Minnesota, held this 19th day of September 2023.

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Mayor of the City of Shakopee

ATTEST:

_____
City Clerk

Prepared by:
City of Shakopee
485 Gorman Street
Shakopee, MN 55379