



TECHNICAL MEMORANDUM

Date: March 23, 2026
To: Nate Myhra, P.E.
From: Angie Smith, Environmental Planning Division Leader
Subject: Mesenbrink Development – Updated EAW Decision
BMI Project No.: OM1.128460.000

Purpose

This memo provides a summary of why the client's proposed adjustment – from single-family homes to duplex structures with reduced building footprints – does **not** warrant preparation of a new Environmental Assessment Worksheet (EAW). These points can be used by both our client and the City (as the Responsible Governmental Unit, RGU) to document that the existing EAW continues to adequately address the potential for significant environmental effects.

Summary Conclusion

Based on Minnesota Rules 4410, EQB guidance, and EQB staff's direct interpretation, the proposed plan modification **does not constitute a substantial change** that would trigger a new EAW.

- The revised plan reduces building footprints and does not expand the development area.
- The change from single-family to duplex structures does not increase the potential for significant environmental effects.
- The adjustment occurs outside the shoreland overlay zone, avoiding sensitive resource areas.
- Under Minn. R. 4410.1000, Subp. 5, the RGU has discretion to determine whether a change is substantial; in this case, it is not.
- The criteria in Minn. R. 4410.1700, Subp. 7 are not triggered by the revised plan.
- EQB staff confirmed that no specific administrative action is required and that documenting the rationale is sufficient.
- The existing EAW continues to adequately address the project's potential environmental effects

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Regulatory Basis

1. RGU Discretion Under Minn. R. 4410.1000, Subp. 5

EQB staff confirmed that the RGU has full discretion to determine whether a project change is substantial enough to require a new EAW. The rule anticipates that projects evolve after EAW completion.

A new EAW is required only if:

- A substantial change has been made, and
- That change may affect the potential for significant adverse environmental effects not previously addressed.

In this case, neither condition is met.

2. Criteria for “Potential for Significant Environmental Effects” (Minn. R. 4410.1700, Subp. 7)

The revised plan does not introduce:

- New environmental impacts
- Increased intensity of previously evaluated impacts
- New areas of disturbance
- New proximity to sensitive resources

The shift to duplexes does not inherently increase environmental effects, and the reduced building footprints further decrease potential impacts.

3. EQB Staff Interpretation (email attached)

Key points from EQB staff:

- The RGU decides whether the existing EAW “covers” the potential for significant environmental effects.
- No specific administrative action is required by rule.
- EQB recommends documenting the rationale, but notes no formal record is required.
- The change must be evaluated only for whether it affects the potential for significant adverse environmental effects, not whether the land use type has changed.

This directly supports the conclusion that a new EAW is not required.

Project-Specific Justification

1. Minor Reduction in Building Footprints

- The revised plan results in slightly less impervious surface and overall disturbance area.
- A reduction in footprint is the opposite of a substantial change that could increase environmental effects.

2. Duplex vs. Single-Family Structures

- The structural form change does not alter the project’s environmental footprint in a way that increases impacts.
- Density changes are modest and remain within the development envelope evaluated in the original EAW.
- Infrastructure demands (roads, utilities, grading) remain consistent with the previously reviewed plan.

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3. Location Outside the Shoreland Overlay Zone

- The adjustment occurs outside the most environmentally sensitive regulatory area.
- No new impacts to shoreland resources, water quality, or riparian habitat are introduced.

4. No New or Intensified Environmental Effects

The revised plan does not introduce:

- New areas of grading or vegetation removal
- New wetland impacts
- Increased stormwater discharge
- Increased traffic beyond what was previously analyzed
- New impacts to threatened or endangered species
- New cultural resource concerns

All environmental considerations remain within the scope of the original EAW.

Sincerely,

Bolton & Menk, Inc.

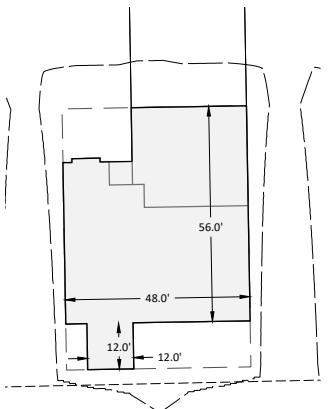
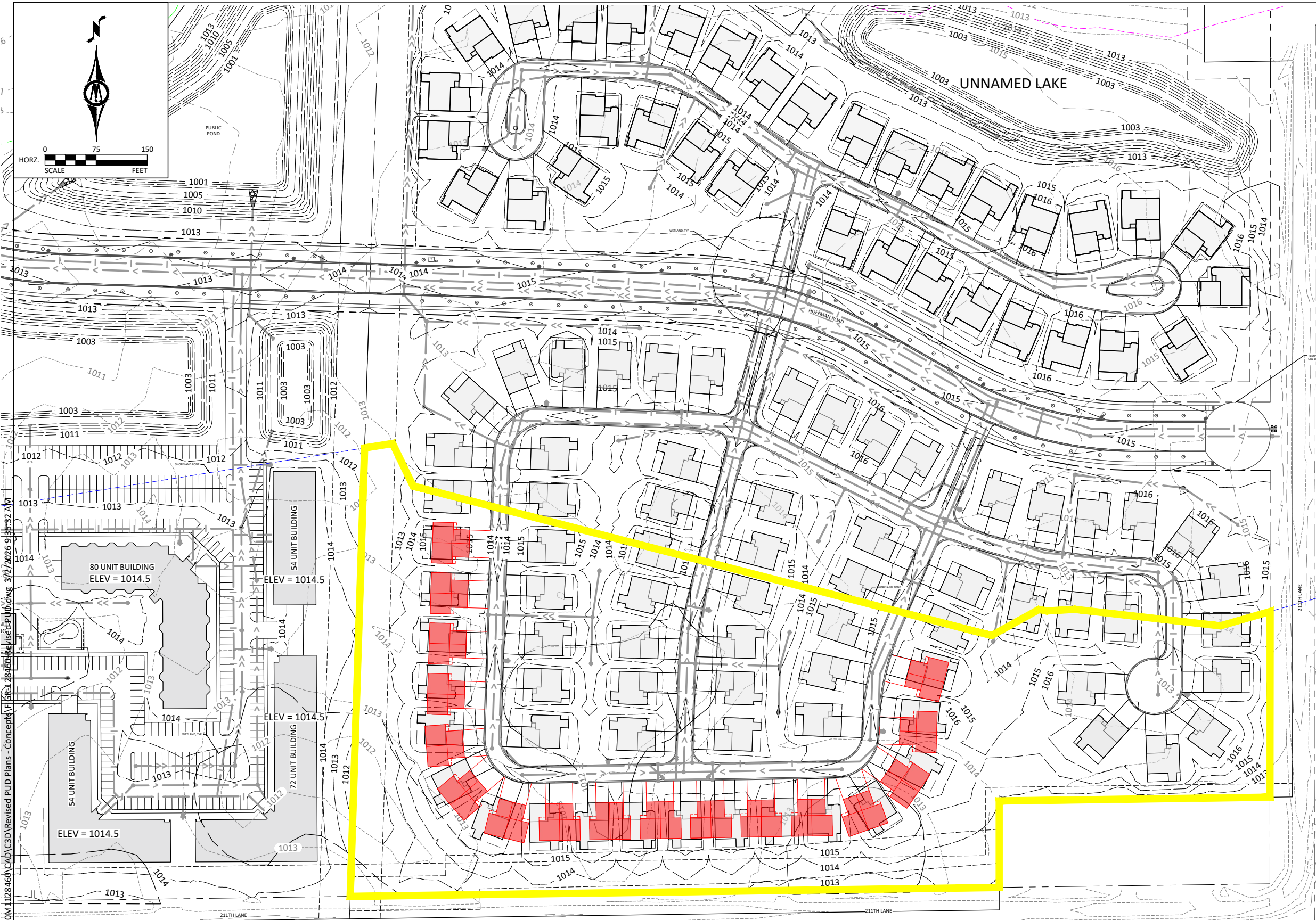


Angie Smith

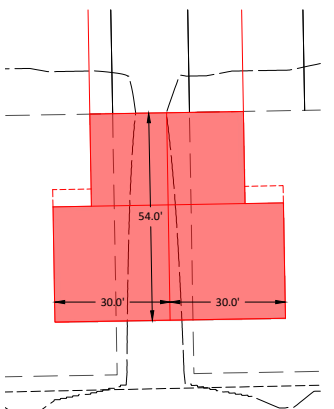
Environmental Planning Division Leader

Attachments:

- Proposed design changes
- EQB staff email



TYPICAL SINGLE BUILDING



TYPICAL TWIN BUILDING

PROJECT INFORMATION

ORIGINAL PROJECT HAD 72 UNITS SOUTH OF HOFFMAN ROAD
NEW PROJECT HAS 88 UNITS SOUTH OF HOFFMAN ROAD
HOMES LOCATED IN THE SHORELAND ZONE WILL STAY THE SAME.

ORIGINAL PROJECT INFORMATION

- 72 SINGLE FAMILY HOMES TOTAL
- 33 SINGLE FAMILY HOMES LOCATED INSIDE OF THE SHORELAND ZONE
- 39 SINGLE FAMILY HOMES LOCATED OUTSIDE OF THE SHORELAND ZONE

NEW PROJECT INFORMATION

- 88 SINGLE FAMILY AND SINGLE FAMILY ATTACHED HOMES TOTAL
- 33 SINGLE FAMILY HOMES LOCATED INSIDE OF THE SHORELAND ZONE
- 21 SINGLE FAMILY HOMES LOCATED OUTSIDE OF THE SHORELAND ZONE
- 34 SINGLE FAMILY ATTACHED HOMES LOCATED OUTSIDE OF THE SHORELAND ZONE (16 ADDITIONAL UNITS PROPOSED)

AREA INFORMATION

AREA OUTSIDE OF THE SHORELAND ZONE = 575,174 SQUARE FEET
R-2 ZONE REQUIRES 6,000 SQFT FOR SINGLE FAMILY HOMES
R-2 ZONE REQUIRES 8,000 SQFT FOR SINGLE FAMILY ATTACHED HOMES
 $575,174 / 6000 = 95$ SINGLES FAMILY ALLOWED BY CODE
 $575,174 / 8000 = 71$ SINGLE FAMILY ATTACHED ALLOWED BY CODE

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RE: EAW Impacts due to Development Changes

From Lerohl, Sarah (She/Her/Hers) (EQB) <Sarah.Lerohl@state.mn.us>

Date Thu 2026-03-19 5:06 PM

To Angie Smith <Angie.Smith@bolton-menk.com>

***** WARNING: This email is from outside the company. Proceed with Caution*****

Thanks for the nudge, Angie! Short answer: the RGU decides if the existing EAW “covers” the potential for significant environmental effects, and Rule doesn’t require any specific administrative actions in this instance.

Longer:

The RGU has discretion in their decision-making regarding the applicability of the EAW in light of a project change; it isn’t unusual for projects to change after the EAW and [Minn R 4410.1000 Subp. 5](#) anticipates this. It states “If, after a negative declaration has been issued but before the proposed project has received all approvals or been implemented, the RGU determines that a substantial change has been made in the proposed project or has occurred in the project’s circumstances, **which change may affect the potential for significant adverse environmental effects** that were not addressed in the existing EAW, a new EAW is required.”

EQB staff recommend the RGU follow past practice or any internal procedure they may have to document that the change does not “affect the potential for significant adverse environmental effects,” (refer to criteria in [4410.1700 Subp. 7](#)), but there is nor formal record required by Rule.

Thanks, happy to follow up with a call too if it’s easier--

Sarah

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From: Angie Smith <Angie.Smith@bolton-menk.com>

Sent: Thursday, March 19, 2026 4:32 PM

To: Lerohl, Sarah (She/Her/Hers) (EQB) <Sarah.Lerohl@state.mn.us>

Subject: EAW Impacts due to Development Changes

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Hi Sarah -

I wanted to touch base and see if you had any time to think through the potential EAW impacts due to development plan changes.

I have a meeting about this tomorrow morning - I will dig into guidance as well but would love any of your insights.

Thank you,
Angie



Real People. Real Solutions.



Angie Smith

(she/her)

Environmental Planning Division Leader | Senior Associate

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