



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting

Wednesday, May 19, 2021

### Agenda Item

#### Item 6. J. - Permits and Project Reviews

#### Prepared By

Linda Loomis, Administrator

#### Summary

**i. Capstone 35 - LMRWD permit no. 2021-017**

The LMRWD received an application for a permit for the construction of two office/warehouse buildings at 12501 DuPont Avenue South, in the City of Burnsville. Staff has reviewed the plans and specifications for compliance with the LMRWD rules and its report is attached.

Staff is recommending conditional approval of permit no. 2021-017 subject to receipt of the NPDES (National Pollutant Discharge Elimination System) permit, contact information for the individual/s responsible for compliance and a copy of the executed maintenance agreement once it has been recorded with Dakota County.

#### Attachments

Technical Memorandum: Capstone 35 (LMRWD Permit No. 2021-017)

#### Recommended Action

Motion to conditionally approve LMRWD Permit No. 2021-017 subject to receipt of the NPDES permit, the contact information of the individual/s responsible for compliance and a copy of the executed maintenance agreement once it has been recorded with Dakota County

# Technical Memorandum

**To:** Linda Loomis, Administrator  
Lower Minnesota River Watershed District

**From:** Kaci Fisher, Environmental Specialist  
Katy Thompson, PE, CFM

**Date:** May 14, 2021

**Re:** Capstone 35 (LMRWD No. 2021-017)

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Shaw Construction, Inc. (applicant) has applied for an individual project permit from the Lower Minnesota River Watershed District (LMRWD) to develop a commercial site within an existing industrial park in the City of Burnsville (City), as shown in Figure 1. The applicant's engineer, Rehder & Associates, Inc., has provided site plans for the Capstone 35 project (Project) with the permit application.

The proposed project consists of constructing two 115,888-square-foot (approximately 5.32-acre total) office/warehouse buildings on an undeveloped parcel. The project would disturb approximately 16.62 acres and create 10.53 acres of new impervious surfaces. The project is not located within the High Value Resource Area, Steep Slopes Overlay District, or Minnesota River floodplain, and the applicant proposes to commence construction on May 24, 2021.

Because the City does not have its LMRWD municipal LGU permit, this project requires an LMRWD individual permit and is subject to an LMRWD permitting review.

## Summary

Project Name: Capstone 35

Purpose: Commercial facility located within Burnsville Industrial Park

Project Size: 16.62 acres disturbed; 0.24 acres existing impervious;  
10.77 acres proposed impervious; net increase of 10.53  
acres new impervious

Location: 12501 Dupont Avenue, Burnsville, MN 55337 (Parcel 037-028600101020)

LMRWD Rules: Rule B—Erosion and Sediment Control  
Rule D—Stormwater Management

Recommended Board Action: Conditional approval

## Discussion

The District received the following documents for review:

- LMRWD online permit application, received April 20, 2021
- Project Map, dated October 21, 2020, received April 20, 2021
- Grading, Drainage, Erosion Control, & SWPPP Plan by Rehder & Associates, dated April 9, 2021, received April 20, 2021, revised May 4, 2021
- Storm Water Management Report by Rehder & Associates, dated April 5, 2021, revised April 9, 2021, received April 20, 2021
- Lady Bird Pond Water Quality Memo by SEH, dated June 28, 2016, received April 20, 2021
- Response Action Plan and Construction Contingency Plan by Braun Intertec, dated February 26, 2021, received April 20, 2021
- LMRWD permit fee of \$1,500, received May 1, 2021
- Stormwater Narrative by Rehder & Associates, received May 4, 2021
- Draft Low Impact Development (LID) Management Practices Agreement, received May 4, 2021
- Property owner contact information via email dated May 4, 2021
- Landscape Plan by Rehder & Associates, dated May 5, 2021, received May 5, 2021
- LMRWD authorization of agent form, received May 12, 2021

The application was deemed complete on May 12, 2021, and the documents received provide the minimum information necessary for permit review.

## Background

This development is part of a larger regional development called the Minnesota River Quadrant (MRQ), which is generally bounded by the Minnesota River to the north, I-35W to the east, and Lynn Avenue to the west. The City identified the MRQ for future development and redevelopment in 2011 and created an overall master plan for stormwater management that would meet its standards for stormwater rate control and water quality. The MRQ is immediately upstream of the City's drinking water intake and within the Minnesota Department of Health's Drinking Water Supply Management Area (DWSMA), precluding on-site infiltration. Overall, the initial 2011 plan proposed to meet the City's stormwater standards by using lined wet ponds that would maintain existing

discharge rates for the 2-, 10-, and 100-year storm events while removing 90 percent of the total suspended solids (TSS) and 60 percent of the total phosphorus (TP) from the new development and redevelopment areas contributing to these ponds. This plan is more stringent than the LMRWD rules, which require only no net increase in TSS or TP.

In 2016, the Lady Bird regional pond was constructed to provide treatment on the east side of the MRQ. According to the SEH Lady Bird Pond Water Quality memo dated June 28, 2016, the pond was designed to meet the requirements of the Minnesota Pollution Control Agency’s Construction Stormwater Permit. It is a two-cell wet pond with an established water quality volume of 63,200 cubic feet and the capacity to provide water quality treatment volume for 17.4 acres of new impervious surface within the MRQ. The memo also states that the City of Burnsville’s requirements of 70 percent TSS and 30 percent TP removal will be met for all new developments within the pond’s drainage area. Per a review of recent aerial photos, Capstone 35 is the first major development to utilize the Lady Bird regional pond for water quality treatment.

**Rule B—Erosion and Sediment Control**

The District regulates land-disturbing activities that affect one acre or more under Rule B. The proposed project would disturb approximately 16.62 acres within the LMRWD boundary. The applicant has provided a grading, drainage, and erosion control plan and a stormwater pollution prevention plan. The following items should be provided to the District as soon as they are available:

- A copy of the NPDES permit
- Names of and contact information for the contractor and the person responsible for compliance with the District’s inspection and maintenance requirements

The project generally complies with Rule B.

**Rule D—Stormwater Management**

The District requires stormwater management for projects that propose to create one acre or more of new impervious area. The Project proposes a total of 10.77 acres of impervious surfaces, triggering Rule D.

The applicant is proposing to construct a rate control basin to meet the District’s rate control requirements under Section 4.4.1 (Table 1).

*Table 1. Capstone 35 Rate Control Summary*

Design Event	Existing Rates (cfs)	Proposed Rates (cfs)	Change (cfs)
2-year/24-hour	13.5	7.9	-5.6
10-year/24-hour	31.6	15.5	-16.1
100-year/24-hour	81.8	37.0	-44.8

Section 4.4.2 of Rule D requires stormwater runoff volume retention on-site to be equivalent to 1-inch of runoff from impervious surfaces, however, infiltration is not allowed under the LMRWD Rules because the Project is located within the very high vulnerability DWSMA.

Section 4.4.3 of Rule D requires no net increase in TP or TSS from the project to receiving waterbodies. Water quality goals are being met through the Lady Bird regional pond, which has a water quality treatment volume of 63,200 cubic feet. The Project would utilize 39,095 cubic feet of the existing treatment volume, leaving an excess of 24,105 cubic feet for future development, or approximately 6.6 acres of new impervious surface.

While the Lady Bird regional pond is maintained as part of the City's MS4 system, the proposed rate control basin is private and will require a maintenance agreement under Rule D and as required by the City. The applicant has provided a draft LID Management Practices Agreement between itself and the City for the rate control pond. In discussions with the City, this maintenance agreement will be recorded with Dakota County and will be transferrable to all future owners. The City's draft LID Management Practices Agreement meets the requirements for LMRWD and a separate maintenance agreement between the applicant and the LMRWD is not required.

The project generally complies with the requirements in Rule D.

### **Recommendations**

The project meets the requirements outlined in the District rules. We recommend conditional approval by the Board, pending its receipt of the following items:

- A copy of the NPDES permit
- Names of and contact information for the contractor and the person responsible for compliance with the District's inspection and maintenance requirements

While the final maintenance agreement is outstanding, we understand the City will require its LID Management Practices Agreement as a condition of approval and request that the City or applicant provide the LMRWD with a copy of the executed agreement after it has been recorded with Dakota County.

### **Attachments**

- Figure 1–Capstone 35 Project Location Map


















Figure I: Capstone 35 Project Location



**LEGEND**

-  Project Location
-  Capstone 35
-  Lady Bird Regional Pond
-  Proposed Rate Control Basin
-  Proposed Buildings
-  Proposed Impervious Surfaces
-  Proposed Green Space
-  Public Waterways
-  Public Waters
-  Steep Slopes Overlay District [SSOD]
-  Dakota Co. Parcels
-  Railroads
-  LMRWD Boundary

**LMRWD Watershed Location Map**

