

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting Wednesday, April 20, 2022

Agenda Item

Item 6. L. - Permits & Project Reviews

Prepared By

Linda Loomis, Administrator

Summary.

LMRWD Permit Renewals

LMRWD Permits are set to expire on several projects. Young Environmental, on behalf of the LMRWD, has checked with the permit applicants about the status of the projects and four of them are not complete and extensions are needed. Young Environmental checked to make sure the projects have not changed since permits were granted and extension is recommended for the following:

- CSAH 11 Reconstruction
- Canterbury Crossing
- Southwest Logistics Center
- 106th Street Improvements

Attachments

Technical Memorandum April 2022 Individual Project Permit Renewal Requests

Recommended Action

Motion to renew permits as provided in Table 1 attached to the Technical Memorandum April 2022 Individual Project Permit Renewal Requests

ii. Biff's, Inc. (LMRWD Permit No. 2022-011)

This project proposes to construct an office and warehouse with outdoor storage. Young Environmental has reviewed the application on behalf of the LMRWD and is recommending conditional approval contingent upon the receipt of an NPDES permit and contact information for the contractor and the person(s) responsible for inspection and maintenance of all erosion and sediment control features.

Attachments

Technical Memorandum Biff's Inc. (LMRWD Permit No. 2022-011) dated April 13, 2022

Recommended Action

Motion to conditionally approve Biff's Inc. (LMRWD Permit No. 2022-011) contingent upon the receipt of an NPDES permit and contact information for the contractor and the person(s) responsible for inspection and maintenance of all erosion and sediment control features.

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iii. Engineered Hillside (LMRWD Permit No. 2022-007)

This project is to stabilize the backyard of a new home that was constructed before the LMRWD permit program went into effect. The backyard is in the steep slope overlay zone. The City of Eden Prairie opted out of the LMRWD municipal permit option, so all project within the LMRWD located in Eden Prairie are subject to LMRWD permit review.

Young Environmental reviewed the application and supporting documentation, on behalf of the LMRWD, and recommends approval of a permit.

Attachments

Technical Memorandum Engineered Hillside (LMRWD No. 2022-007) dated April 14, 2022

Recommended Action

Motion to approve a permit for 10800 Azure Skies, Eden Prairie, MN

iv. Quarry Lake Trail and Pedestrian Bridge (LMRWD Permit No. 2022-010)

This project requires a LMRWD permit because the project lies partially in the 100-year flood-plain and the City of Shakopee does not have authority though its municipal permit to permit projects located in floodplains. The City of Shakopee will construct a trail over TH 169 and the trails connecting existing trails to the Bridge have wetland and floodplain impacts. Therefore a permit from the LMRWD is required.

Young Environmental has reviewed the application and supporting documentation on behalf of the LMRWD and recommends conditional approval contingent upon receipt of the final signed construction plans.

Attachments

Technical Memorandum Quarry Lake Trail and Pedestrian Bridge (LMRWD No. 2022-010) dated April 13, 2022

Recommended Action

Motion to conditionally approve a permit for Quarry Lake Trail and Pedestrian Bridge (LMRWD No. 2022-010) contingent upon receipt of the final signed construction plans

v. Normandale Boulevard & 98th Street Intersection Project (LMRWD Permit No. 2022-013)

The City of Bloomington is proposing to construction improvements to the intersection of Normandale Boulevard and 98th Street.

Young Environmental reviewed the application on behalf of the LMRWD, and is recommending conditional approval of a permit contingent upon receipt of a copy of the NPDES permit and contact information for the contractor and the person(s) responsible for inspection and maintenance of all erosion and sediment control features.

Attachments

Technical Memorandum Normandale Blvd & 98th St Intersection Project (LMRWD No. 2022-013) dated April 13, 2022

Recommended Action

Motion to conditionally approve Normandale Blvd & 98th St Intersection Project (LMRWD No. 2022-013) contingent upon receipt of a copy of the NPDES permit and contact information for the contractor and the person(s) responsible for inspection and maintenance of all erosion and sediment control features



To: Linda Loomis, Administrator

Lower Minnesota River Watershed District

From: Katy Thompson, PE, CFM

Hannah LeClaire, PE

Date: April 14, 2022

Re: April 2022 Individual Project Permit Renewal Requests

Per Lower Minnesota River Watershed District (LMRWD) Rule A, it is the permittee's responsibility to request permit renewals when necessary. However, LMRWD staff has taken a proactive approach by sending monthly reminders to current permit holders with upcoming permit expirations.

The attached Table 1 summarizes the permittees who have responded to the permit expiration reminder, confirmed that no significant changes to the proposed project have occurred since the original permit was issued, and requested a permit extension to complete their projects.

Recommendation

Staff recommends renewing the permits provided in Table 1.

Table 1. Summary of April 2022 LMRWD permit renewal requests.

LMRWD No.	Project Name	City	Previous Expiration Date	Recommended Expiration Date	
2020-110	CSAH 11 Reconstruction	Carver	4/13/22	4/13/23	
	Reason for Extension Project was substantially complete in fall 2021; requested extension to confirm vegetation establishment and remaining punch-list items.				
2020-135	Canterbury Crossing	Shakopee	5/11/22	5/11/23	
	Reason for Extension Mass grading of site is complete; need additional time for irrigation, sod, and phase-two vertical construction.				
2021-003	Southwest Logistics Center	Shakopee	4/21/22	4/21/23	
	Reason for Extension Construction is complete, but project closeout and final survey have been delayed.				
2021-023	106th Street Improvements	Bloomington	6/17/22	6/17/23	
	Reason for Extension Project construction was delayed until fall 2021 and will continue throughout 2022 construction season.				



To: Linda Loomis, Administrator

Lower Minnesota River Watershed District

From: Hannah LeClaire, PE

Katy Thompson, PE, CFM

Date: April 13, 2022

Re: Biffs, Inc. (LMRWD Permit No. 2022-011)

Biffs, Inc. (the applicant) has applied for an individual project permit from the Lower Minnesota River Watershed District (LMRWD) to construct an office and warehouse with an outdoor storage lot in the City of Burnsville (City), as shown in Figure 1. The applicant's engineer, Rehder, has provided site plans for the Biffs, Inc. project (Project) along with the permit application.

The proposed project consists of constructing a 13,300 square-foot office and warehouse building, associated bituminous outdoor storage area, and a parking lot. The project would disturb 3.96 acres and create a net 1.76 acres of new impervious surface. The project would not be located within the High Value Resource Area, Steep Slopes Overlay District, or 100-year floodplain. The applicant proposes to commence construction on May 2, 2022.

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

<u>Project Name</u>: Biffs, Inc.

<u>Purpose</u>: Office, warehouse building, and parking lot

construction located within Burnsville's Minnesota River Quadrant Industrial Redevelopment Area

<u>Project Size</u>: 3.96 acres disturbed; 0.89 acres existing impervious;

2.65 acres proposed impervious; net increase of

1.76 acres new impervious

Location: 12547 Dupont Avenue South, Burnsville, MN 55337

(Parcel 037-021562001140)

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 February 28, 2022

- Preliminary Plan Set by Rehder, dated February 23, 2022, received February 28, 2022
- Half-Section Map by the Dakota County Office of GIS, dated April 20, 2020, received February 28, 2022
- Pond Drainage Area Map by SEH, dated November 3, 2011, received February 28, 2022
- SEH Technical Memorandum by SEH, dated February 9, 2012, received February 28, 2022
- Individual Project Permit Authorization of Agent, dated March 14, 2022, received March 15, 2022
- Technical Memorandum—Yellow Freight Pond—Stormwater Development Review City of Burnsville by AE2S, dated March 18, 2022, received March 22, 2022

The application was deemed complete on March 29, 2022, 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. In 2011 the City earmarked the MRQ for future development and redevelopment and created an overall master plan for stormwater management that would meet City standards for stormwater rate control and water quality. The MRQ is immediately upstream from the City's drinking water intake, within the City's Drinking Water Protection Overlay District (DWPOD), and partially within the Minnesota Department of Health's Drinking Water Supply Management Area (DWSMA), precluding infiltration in much of the MRQ. Overall, the initial 2011 plan

proposed to meet the City's stormwater standards through the use of lined wet ponds that maintain existing discharge rates for 2-, 10-, and 100-year storm events and remove 90 percent of total suspended solids (TSS) and 60 percent of total phosphorus (TP) from the future development and redevelopment areas contributing to these ponds, which is more stringent than City requirements.

The applicant proposes to use one of the City-constructed regional ponds to meet its stormwater obligations under the rules of the District and the City. The pond is known as the Yellow Freight Pond (Pond) and has been reviewed previously by the LMRWD for three other permit applications: the Burnsville Industrial IV (2021-009), Park Jeep (2021-030) and, most recently, Ivy Brook East Parking (2022-003). The City's engineer, AE2S, provided an updated technical memorandum documenting the capacity of the Pond with the proposed Project regarding water quality and rate control.

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 3.96 acres within the LMRWD boundary. The applicant has provided an erosion and sediment control plan and a stormwater pollution prevention plan. The project generally complies with Rule B, but a copy of the NPDES permit and contact information for the contractor and person(s) responsible for the inspection and maintenance of the erosion and sediment control features are needed before the District can issue a permit.

Rule D—Stormwater Management

The Project proposes a total of 2.65 acres of impervious surface, including the construction of 1.76 acres of new impervious surface and the reconstruction of 0.89 acres. The applicant is proposing to use Yellow Freight Pond to meet the District's stormwater management requirements for rate control, volume reduction, and water quality. The Pond was designed and constructed in 2012 to provide treatment for new development and redevelopment based on the assumption that any future developments within the watershed would be limited to a maximum of 75 percent impervious surface per site. The Biffs development is below that threshold at 70 percent impervious.

Additionally, a technical memorandum titled Yellow Freight Pond—Stormwater Development Review City of Burnsville, was originally prepared on September 20, 2021, and updated on March 18, 2022, to account for the additional 1.76 acres of impervious for the Project. The key findings in the memorandum are as follows:

- The proposed condition peak discharge rates from the Pond are less than the existing conditions for the 2-, 10-, and 100-year events (Table 1).
- The Pond has a remaining balance of 48.1 acres of new impervious area that

can be treated by the Pond for volume reduction and TP and TSS removal. Biffs is proposing 1.76 acres of new impervious area. Therefore, the Pond has sufficient capacity to treat the proposed development.

Table 1. Peak Discharge Rates from Yellow Freight Pond (cfs)

Condition	2-Year	10-Year	100-Year
Existing Condition	597.5	715.5	871.0
Proposed Condition	384.7	493.1	844.6

Section 4.4.4 of Rule D requires that the applicant develop and adhere to a maintenance plan for the permitted stormwater management structures. The Pond is part of the City of Burnsville's MS4 program and has been maintained according to its permit requirements.

Overall, the project meets the minimum requirements of Rule D.

Additional Considerations

Given the potential for future development within the Burnsville MRQ, it should be noted that with the inclusion of Biffs, Inc., Yellow Freight Pond will have a remaining capacity for 46.4 acres of new impervious area as of March 2022.

Recommendations

Based on our review of the project, we recommend conditional approval contingent on the receipt of the following:

- A copy of the NPDES permit
- Contact information for the contractor(s) and/or the person(s) responsible for inspection and maintenance of all erosion and sediment control features.

Attachments

• Figure 1—Biffs, Inc.





To: Linda Loomis, Administrator

Lower Minnesota River Watershed District

From: Katy Thompson, PE, CFM

Hannah LeClaire, PE

Date: April 14, 2022

Re: Engineered Hillside (LMRWD No. 2022-007)

Topline Landscape (the applicant) has applied for an individual project permit from the Lower Minnesota River Watershed District (LMRWD) to stabilize a steep hillside at a single-family home 10080 Azure Skies in the City of Eden Prairie (City), as shown in Figure 1. During the construction of the single-family home last fall, the City required the homeowner to hire an engineer to review and sign off on a stabilization plan for the hillside. The applicant's engineer, Vickery Engineering & Consulting, has provided a global stability analysis of the proposed slope design, signed construction site plans for the project, and the permit application.

The proposed project consists of constructing a reinforced soil slope (RSS) along the southern edge of the property. The project would disturb approximately 3,500 square feet within the Steep Slopes Overlay District (SSOD). The project is not located within the High Value Resource Area or floodplain, and the applicant proposes to commence construction in April 2022.

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

Summary

<u>Project Name</u>: Engineered Hillside

<u>Purpose</u>: Slope Stabilization

<u>Project Size</u>: 3,500 square feet disturbed; no new impervious

surfaces

Location: 10080 Azure Skies, Eden Prairie, MN 55347

(Parcel 2911622340023)

<u>LMRWD Rules</u>: Rule F—Steep Slopes

Recommended Board Action: Conditional approval

Discussion

The District received the following documents for review:

- LMRWD online permit application received on February 15, 2022
- Site survey by Sathre-Bergquist, Inc, dated May 26, 2021, and received on February 15, 2022
- Global Stability Analysis by Vickery Engineering & Consulting dated December 1, 2021, and received on February 15, 2022
- Proposed Reinforced Soil Slope Plans by Vickery Engineering & Consulting, dated December 1, 2021, and received on February 15, 2022
- Permit application fee of \$750 received on March 14, 2022
- Drain tile exhibit by Topline Landscaping received on March 14, 2022

The application was deemed complete on March 14, 2022, and the documents received provide the minimum information necessary for permit review.

Rule F—Steep Slopes Rule

The District regulates land-disturbing activities within the SSOD and requires a permit for activities that involve the excavation of 50 cubic yards or more of earth or the displacement or removal of 5,000 square feet or more of surface area or vegetation within the overlay area. The project is subject to this rule due to the amount of excavation that will be required to install the RSS (**Figure 1**). The applicant has provided documentation signed by a Minnesota professional engineer certifying that the proposed design area will be suitable for the planned work with a factor of safety of 1.339, exceeding the industry standard of 1.3.

There are no new stormwater discharge points to the SSOD, and the applicant has graded the backyard area to route stormwater and all discharge points, such as roof downspouts, to a drain tile system that discharges to the west and avoids the SSOD and the proposed RSS area.

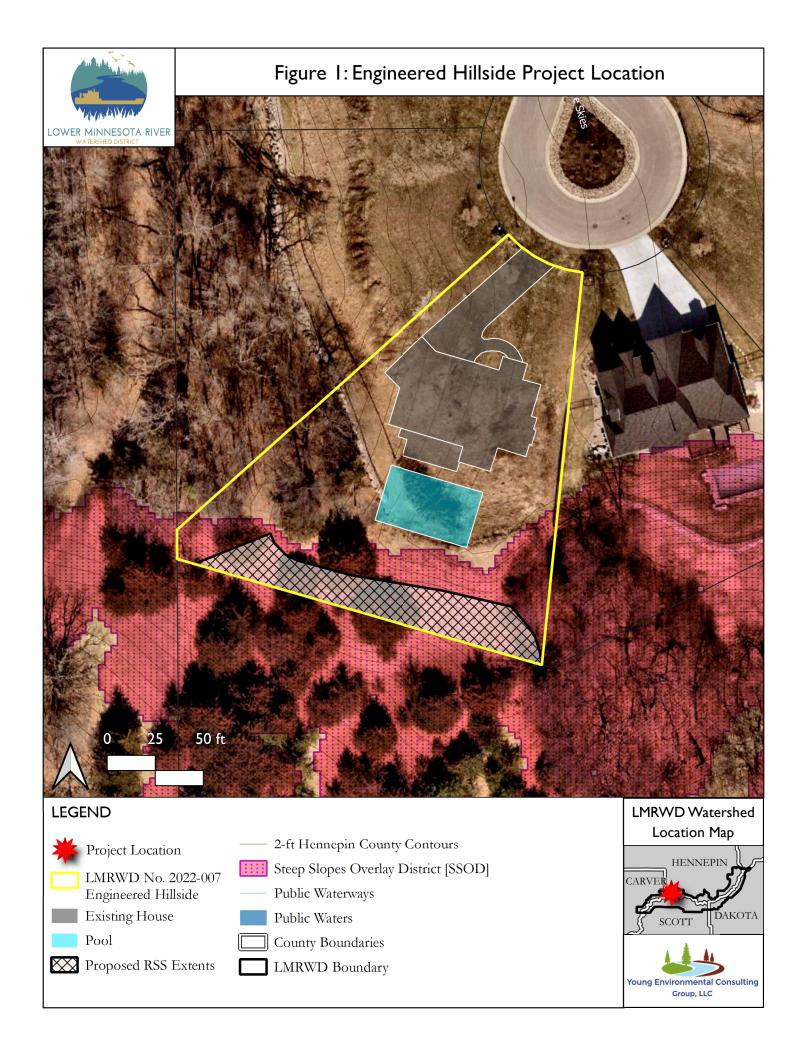
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Recommendations

Staff recommends approval of the Project.

Attachments

• Figure 1 – Engineered Hillside Project Location Map





To: Linda Loomis, Administrator

Lower Minnesota River Watershed District

From: Hannah LeClaire, PE

Katy Thompson, PE, CFM

Date: April 13, 2022

Re: Quarry Lake Trail and Pedestrian Bridge (LMRWD No. 2022-010)

The City of Shakopee (the applicant) has applied for an individual project permit from the Lower Minnesota River Watershed District (LMRWD) to construct the Quarry Lake Trail and Pedestrian Bridge on the west side of Quarry Lake Park over Hwy 169, as shown in Figure 1. The applicant's engineer, WSB, has provided 30 percent site plans for the Quarry Lake Trail and Pedestrian Bridge project (Project) along with the permit application.

The proposed project consists of constructing approximately 230 feet of bituminous trail on the south side of Trunk Highway 169 (TH 169) and 510 feet of bituminous trail on the north side of TH 169, connected by a pedestrian bridge spanning 945 feet across the highway. The project is not located within the High Value Resource Area, Steep Slopes Overlay District, or the 100-year floodplain; however, the bridge crosses the Prior Lake Outlet Channel (PLOC) and the overland overflow for the large MnDOT pond between TH 169 and the FedEx property.

The City of Shakopee has obtained a Municipal Permit from the LMRWD and will be enforcing Rules B—Erosion and Sediment Control and D—Stormwater Management but has chosen not to regulate floodplain impacts. Therefore, this project requires an LMRWD individual permit for Rule C Floodplain and Drainage Alteration and is subject to an LMRWD permitting review.

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Summary

<u>Project Name</u>: Quarry Lake Trail and Pedestrian Bridge

<u>Purpose</u>: Construction of the Quarry Lake Trail and Pedestrian

Bridge

Project Size: 6.5 acres disturbed

Location: South of Quarry Lake Park Crossing TH 169 from

Wakefield Circle to 550 feet north of TH 169

<u>LMRWD Rules</u>: Rule C—Floodplain and Drainage Alteration

Recommended Board Action: Conditional approval

Discussion

The District received the following documents for review:

- LMRWD LGU Permit Application: Shakopee, received February 24, 2022
- Ditch Overflow Option 20 by WSB, dated January 26, 2022, received February 24, 2022
- Ditch Overflow Option 20 Cross Sections by WSB, dated January 26, 2022, received February 24, 2022
- Level 2 Layout by WSB, dated December 22, 2021, received February 24, 2022
- Contour Exhibit by WSB, no date, received February 24, 2022, revised March 29, 2022
- LMRWD Permit Memo by WSB, dated February 23, 2022, received February 24, 2022
- Selected Draft Plans by WSB, dated February 17, 2022, received February 24, 2022
- Draft Drainage Plans by WSB, dated February 9, 2022, received March 15, 2022
- Permanent Bridge Trail Wall Description by WSB, dated October 5, 2021, received March 15, 2022
- Permanent Easement Exhibit for 5800 12th Ave E by WSB, dated September 30, 2022, received March 15, 2022
- Permanent Trail Description by WSB, dated October 5, 2021, received March 15, 2022
- Temporary Construction Easement Description by WSB, dated October 5, 2021, received March 15, 2022
- Temporary Construction Easement Exhibit by WSB, dated October 5, 2021, received March 15, 2022

- XPSWMM Model Notes by WSB, dated March 15, 2022, received March 15, 2022
- Existing XPSWMM Model Results, dated March 29, 2022, received March 29, 2022
- Proposed XPSWMM Model Results, dated March 29, 2022, received March 29, 2022, and April 11, 2022

The application was deemed complete on March 15, 2022, and the documents received provide the minimum information necessary for permit review.

Background

The City of Shakopee received \$2.0 million in legislative funding managed by Minnesota Management and Budget for a pedestrian bridge over TH 169 approximately 1.5 miles east of Canterbury Road near the FedEx facility. The City's goal is to connect Quarry Lake Park north of TH 169 to the trail system near Dean Lake and the neighborhood to the southeast of the proposed bridge. Near the location of the proposed bridge, there is an existing trail that ends approximately 600 feet north of the highway and a trail that runs east and west, south of TH 169. Additionally, Quarry Lake Park is also located north of TH 169 with plans to add mountain bike trails near the lake.

Rule C—Floodplain and Drainage Alteration

The project is not located within a Federal Emergency Management Agency floodplain; however, the bridge crosses the PLOC and the overland overflow for the large MnDOT pond that is between TH 169 and FedEx. This results in floodplain impacts and drainage alterations that trigger Rule C. An XP-SWMM model developed by WSB was used to determine the existing and proposed floodplain elevations.

On the south side of TH 169, the project proposes to construct an at-grade trail that connects to a new bridge crossing the PLOC. The bridge piers are located outside the PLOC main channel and generally above the 100-year floodplain. Modeling shows no increase in the existing 100-year elevation of 746.75 feet at this location due to the construction of the bridge or the trail; therefore, no compensatory storage or mitigation is required upstream of TH 169.

On the north side of TH 169, the proposed trail intersects the current overflow for the MnDOT Pond, altering the drainage of the 100-year event. Four 36-inch culverts and a ditch have been added to maintain drainage of the MnDOT Pond overflow route. Modeling results show a negligible increase (1/4 inch) in the 100-year floodplain elevation within the MnDOT overflow route. This rise does not cause adverse impacts upstream or downstream, so no compensatory storage or mitigation is required downstream of TH 169.

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The proposed trail is not within the 100-year floodplain of the PLOC. For existing and proposed conditions, the PLOC overflows into the MnDOT overflow route during the 100-year event. There are no changes proposed to these overflow elevations, and modeling shows no impact to the interconnection between the PLOC and the MnDOT overflow route. The project meets the minimum requirements of Rule C.

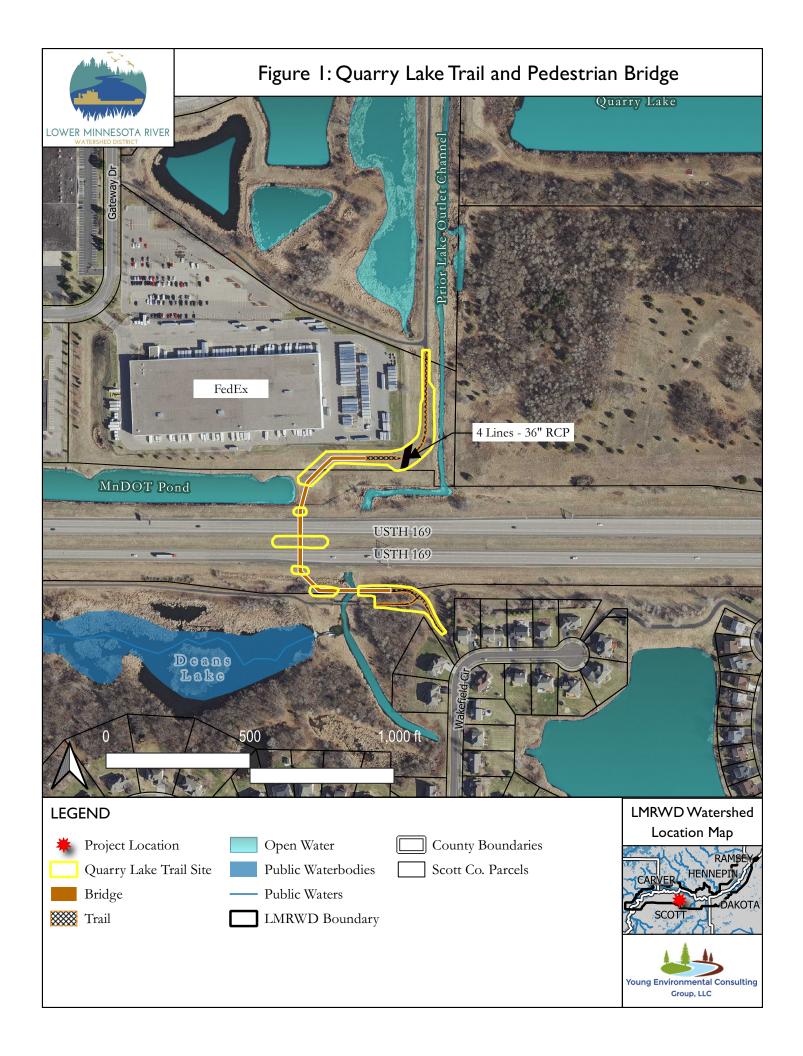
Recommendations

Based on our review of the project, we recommend conditional approval contingent on the receipt of the following:

Final signed construction plans

Attachments

• Figure 1—Quarry Lake Trail and Pedestrian Bridge Project Location





To: Linda Loomis, Administrator

Lower Minnesota River Watershed District

From: Hannah LeClaire, PE

Katy Thompson, PE, CFM

Date: April 13, 2022

Re: Normandale Blvd & 98th St Intersection Project (LMRWD No. 2022-013)

The City of Bloomington (the applicant) has applied for an individual project permit from the Lower Minnesota River Watershed District (LMRWD) to reconstruct the intersection at Normandale Boulevard (CSAH 34) and 98th Street in Bloomington, Minnesota, as shown in Figure 1. The City of Bloomington provided site plans for the Normandale Blvd & 98th St Intersection project (Project).

The proposed project consists of intersection safety improvements at Normandale Boulevard and 98th Street including the removal of channelized right turn lanes on all approaches, installation of dedicated right turn lanes, ADA upgrade for pedestrian, replacement of the signal system, and necessary minor utility work needed to complete the project. The Project is located at the intersection of three watershed district boundaries, LMRWD, Riley-Purgatory-Bluff Creek Watershed District, and Nine-Mile Creek Watershed District. Within the LMRWD, the project will disturb approximately 1.94 acres and result in a net decrease of 0.18 acres of impervious surfaces. The project is not located within the High Value Resource Area, Steep Slopes Overlay District, or 100-year floodplain. The applicant proposes to commence construction on June 13, 2022.

The City of Bloomington has its LGU permit, but because this project is located within the Minnesota Department of Transportation (MnDOT) right-of-way, the project requires an LMRWD individual permit and is subject to an LMRWD permitting review.

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Summary

Project Name: Normandale Blvd & 98th St Intersection Project

<u>Purpose</u>: Safety improvements at the intersection that remove

channelized right turn lanes and replace them with

dedicated right turn lanes

Project Size: With LMRWD: 1.94 acres disturbed; 1.47 acres

existing impervious; 1.29 acres proposed impervious; net decrease of 0.18 acres new

impervious

<u>Location</u>: 98th St and Normandale Blvd (CSAH 34)

Bloomington, MN 55431

<u>LMRWD Rules</u>: Rule B—Erosion and Sediment Control

Recommended Board Action: Conditional approval

Discussion

The District received the following documents for review:

- LMRWD online permit application, received March 22, 2022
- Project Map, dated March 22, 2022, received March 22, 2022
- Project Narrative by City of Bloomington, dated March 22, 2022, received March 22, 2022
- Watershed District Map by MnDOT City of Bloomington Engineering Division, dated March 7, 2022, received March 22, 2022
- Construction Plans by MnDOT City of Bloomington Engineering Division, dated March 7, 2022, received March 22, 2022

The application was deemed complete on April 1, 2022, and the documents received provide the minimum information necessary for permit review.

Rule B—Erosion and Sediment Control

The District regulates land-disturbing activities that affect one acre or more under Rule B. The proposed project will disturb approximately 1.94 acres within the LMRWD boundary. The applicant has provided an erosion and sediment control plan and a stormwater pollution prevention plan. The project generally complies with Rule B, but a copy of the NPDES permit and contact information for the contractor and person(s) responsible for the inspection and maintenance of the erosion and sediment control

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features are needed before the District can issue a permit.

Recommendations

Based on our review of the project, we recommend conditional approval contingent on the receipt of the following:

- A copy of the NPDES permit
- Contact information for the contractor(s) and/or the person(s) responsible for inspection and maintenance of all erosion and sediment control features

Attachments

• Figure 1—Normandale Blvd & 98th St Intersection Project Location

