

Technical Memorandum

To: Linda Loomis, Administrator
Lower Minnesota River Watershed District

From: Katy Thompson, PE, CFM
Della Schall Young, CPESC, PMP

Date: April 16, 2021

Re: Burnsville Industrial Phase IV (LMRWD No. 2021-009)

United Properties (the applicant) has applied for an individual project permit from the Lower Minnesota River Watershed District (LMRWD) to develop an industrial site within an existing industrial park in the City of Burnsville (City), as shown in Figure 1. The applicant's engineer, Alliant Engineering, has provided site plans for the Burnsville Industrial IV project (Project) along with the permit application.

The proposed project consists of constructing a 96,000-square-foot (approximately 2.20-acre) office building, truck docks, and associated parking. The project would disturb approximately 7.5 acres and create 4.42 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 April 19, 2021.

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

Summary

<u>Project Name:</u>	Burnsville Industrial IV
<u>Purpose:</u>	Industrial and trucking facility located within Burnsville's Minnesota River Quadrant Industrial Redevelopment Area
<u>Project Size:</u>	7.48 acres disturbed; 0.83 acres existing impervious;

5.25 acres proposed impervious; net increase of
4.42 acres new impervious

Location: 12400 Dupont Avenue, Burnsville, MN 55377
(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 March 23, 2021
- Project Map, dated March 22, 2021, received March 23, 2021
- Burnsville Industrial – Phase IV Civil Plans by Alliant Engineering, dated June 5, 2019, received March 23, 2021
- MRQ Northwest Subwatershed Drainage Analysis Memo by SEH, dated September 14, 2011, received March 23, 2021
- MRQ Northwest Subwatershed Drainage Analysis Memo by SEH, dated November 28, 2011, received March 23, 2021
- Pond 2 – MRQ Regional Storm Water Pond Analysis Memo by SEH, dated February 9, 2012, received March 23, 2021
- Permit application fee of \$1,000, received March 31, 2021
- Revised area calculations from Alliant Engineering, received April 14, 2021
- Completed NPDES permit from R.J. Ryan, dated March 10, 2021, received April 14, 2021
- Rate Control and Water Quality Analysis for Yellow Freight Pond Email, by AE2S, provided by City of Burnsville on April 12, 2021, revised April 14, 2021

The application was deemed complete on March 31, 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 in 2011 earmarked the MRQ area 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 area is immediately upstream of 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 on site. Overall, the initial 2011 plan proposed to meet the City stormwater standards through the use of lined wet ponds that maintain existing discharge rates for 2-, 10-, and 100-year storm events as well as remove 90 percent of total suspended solids (TSS) and 60 percent of total phosphorus (TP) from the new development and redevelopment areas contributing to these ponds, which is slightly 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. Young Environmental is working closely with the City to evaluate the adequacy of the proposed regional pond to meet the District's rules.

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 7.5 acres within the LMRWD boundary. The applicant has provided an erosion and sediment control plan, a Stormwater Pollution Prevention Plan, and a copy of the NPDES permit. The Project complies with Rule B.

Rule D – Stormwater Management

The Project proposes a total of 5.25 acres of impervious surfaces, including the construction of 4.42 acres of new impervious surface and the reconstruction of 0.83 acres. The applicant is proposing to use the existing City lined wet pond (Pond 2 in Figure 1) to meet the District's stormwater management requirements. The Project is required to provide 16,045 cubic feet of volume reduction to meet the requirements of Rule D. As mentioned, infiltration is not allowed because the Project is located within the City's DWPOD, an area that is highly vulnerable to contamination.

The Project is part of a larger regional development effort, and rate control is met through Pond 2. Pond 2 was designed and constructed in 2012 based on the assumption that the proposed site will be a maximum of 75 percent impervious, but the proposed design is 75.2 percent impervious, exceeding the pond design assumptions. Young Environmental staff contacted the applicant and City on April 2 and April 5, 2021, to discuss the regional pond design and is currently working with the City to confirm the adequacy of Pond 2 to meet requirements needed for the Project to meet the District's requirements.

The City has confirmed that Pond 2 is a City-maintained BMP as part of its MS4 system and is in the process of developing an analysis to confirm that Pond 2 was constructed as designed and has capacity for the additional impervious surface proposed by the applicant in excess of the 2012 design assumptions, including any previous

development or redevelopment in the contributing watershed and using NOAA Atlas 14 precipitation events. This analysis is being reviewed by Young Environmental and City staff.

Additional Considerations

The City has approved the Project and the applicant has entered into a lease with tenants moving into the proposed building in July 2021, requiring construction to begin immediately to stay on schedule. Both the applicant and the City have requested that the Board allow the development to proceed with construction while the adequacy of Pond 2 is confirmed by Young Environmental and the City's consultant. In consultation with the District's attorney, it was recommended that a financial surety be required as a condition of approving the permit to cover the potential costs of installing alternative stormwater rate, volume, and water quality practices and facilities should modeling demonstrate that Pond 2 does not meet the District's requirements.

Using the Individual Permit Financial Assurances approved by the Board at its February 17, 2021, board meeting, the applicant would be responsible for securing a performance bond in the amount of \$32,200 from a company certified by the US Department of Treasury's Bureau of the Fiscal Service.

Recommendations

Staff recommends approval of the Project, conditioned on the performance bond, as discussed above. Young Environmental will continue to work with the City to determine the adequacy of Pond 2 and release the bond if the final analysis demonstrates that Pond 2 has adequate capacity for the Project to meet the District's Rule D – Stormwater Management.

Attachments







- Figure 1 – Burnsville Industrial IV Project Location Map










Figure I: Burnsville Industrial - Phase IV



LEGEND

-  Project Location
-  Burnsville Industrial Phase IV Project Extents
-  Existing Pond 2
-  Proposed Impervious
-  Proposed Building
-  Public Waterways

-  Public Waters
-  Dakota Co. FEMA Floodplain
-  100-yr Floodplain
-  Floodway
-  500-yr Floodplain
-  LMRWD Boundary
-  County Boundaries

LMRWD Watershed Location Map

