

# 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:** Summerland Place (LMRWD No. 2021-013)

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Pioneer Engineering, on behalf of Summergate Companies (the applicant), has applied for an individual project permit from the Lower Minnesota River Watershed District (LMRWD) to develop a 117-acre residential subdivision in the City of Shakopee (City).

The proposed project consists of mass grading, new streets, and utilities to serve 611 new residential units, including single-family homes, townhomes, and apartments, on existing agricultural fields and open green space southwest of Highway 169 and Eagle Creek Boulevard.

The City does not have its LMRWD municipal LGU permit, and this project is subject to an LMRWD permitting review. As presented, the project is neither within the FEMA-recognized floodplain areas nor located within either of the LMRWD special districts (High Value Resource Area or Steep Slopes Overlay District). It triggers the District's Rule B—Erosion and Sediment Control and Rule D—Stormwater Management, resulting in the applicant's obligation to obtain a District permit before commencing land-disturbing activities. The applicant proposes to commence grading activities for the first phase of construction in early May 2021.

## Summary

Project Name: Summerland Place

Purpose: Residential subdivision

<u>Project Size:</u>	117 acres, 36.4 acres disturbed, 0 acres existing impervious, 17.6 acres proposed impervious; net increase of 17.6 acres new impervious
<u>Location:</u>	1600 Phillips Drive, Shakopee, MN 55379
<u>LMRWD Rules:</u>	Rule B – Erosion and Sediment Control Rule D – Stormwater Management
<u>Recommended Board Action:</u>	Conditional approval, see recommendations

## Discussion

The District has received the following documents for review:

- LMRWD Online Permit Application, received April 8, 2021
- Summerland Place Preliminary Stormwater Management Plan, dated February 19, 2020, revised November 16, 2020, and received April 8, 2021
- Summerland Place 1st Addition Final Grading Plan Cover Sheet by Pioneer Engineering, dated February 18, 2021, received April 8, 2021
- Summerland Place 1st Addition Final Grading Plan Set by Pioneer Engineering, dated February 18, 2021, received April 8, 2021
- Summerland Place – Stormwater Review Comments – 2 by City of Shakopee, dated April 5, 2021, received April 15, 2021
- NPDES Construction Stormwater Permit for Summerland Place, dated March 17, 2021, received April 15, 2021

The documents provided the minimum information necessary for permit issuance.

## Background

Young Environmental contacted the City on April 15, 2021, to discuss the project. The City initially reviewed the project in March 2020, before the LMRWD enacted the rules and permit program, and the City told the applicant the City had LGU authority. The applicant submitted the preliminary plat application for City review in November 2020, but the preliminary plat review was not shared with the City's environmental coordinator, who typically reminds applicants that an LMRWD permit will be required for their building permits. The project came back to the City for further review this spring, at which time the City notified the applicant that an LMRWD permit is necessary for construction.

The applicant applied for an LMRWD permit on April 8, 2021, missing the cutoff for the April 21, 2021, board meeting and thus putting its project on the May 2021 agenda. Because of the size of its proposed development, the applicant wants to start mass

grading activities while LMRWD staff complete their review of the permit application and supporting materials, similar to LMRWD Application No. 2021-009, Burnsville Industrial IV.

### LMRWD Permit Review

Young Environmental staff have not completed their review of the permit application or the supporting materials. Based on the date this application was received, it would be part of the May meeting, but is being expedited for consideration at the April meeting instead. On Friday, April 16, 2021, Young Environmental discussed this project with the City to confirm the City had reviewed the project and was comfortable with the project's proceeding. The City has a few design issues to work out with the developer, primarily issues related to local storm sewer requirements; however, it was satisfied overall with the project's erosion control measures and stormwater management for the first addition. Further, the City said the project is meeting the more stringent City standards for stormwater rate control and water quality.

### Financial Assurance

Per LMRWD Rule A, Section 1.2.11 Financial Assurances, the LMRWD can require financial performance assurances with permit applications to ensure adequate adherence to LMRWD rules. In this case, because Young Environmental staff have not completed their review, we recommend that financial assurance be required with this permit to cover the potential costs of installing alternative stormwater rate, volume, and water quality facilities should our review find the project 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 providing financial assurances in the amount of \$155,120 in a format acceptable to the LMRWD, per Rule 1.2.11.3.

### **Recommendations**

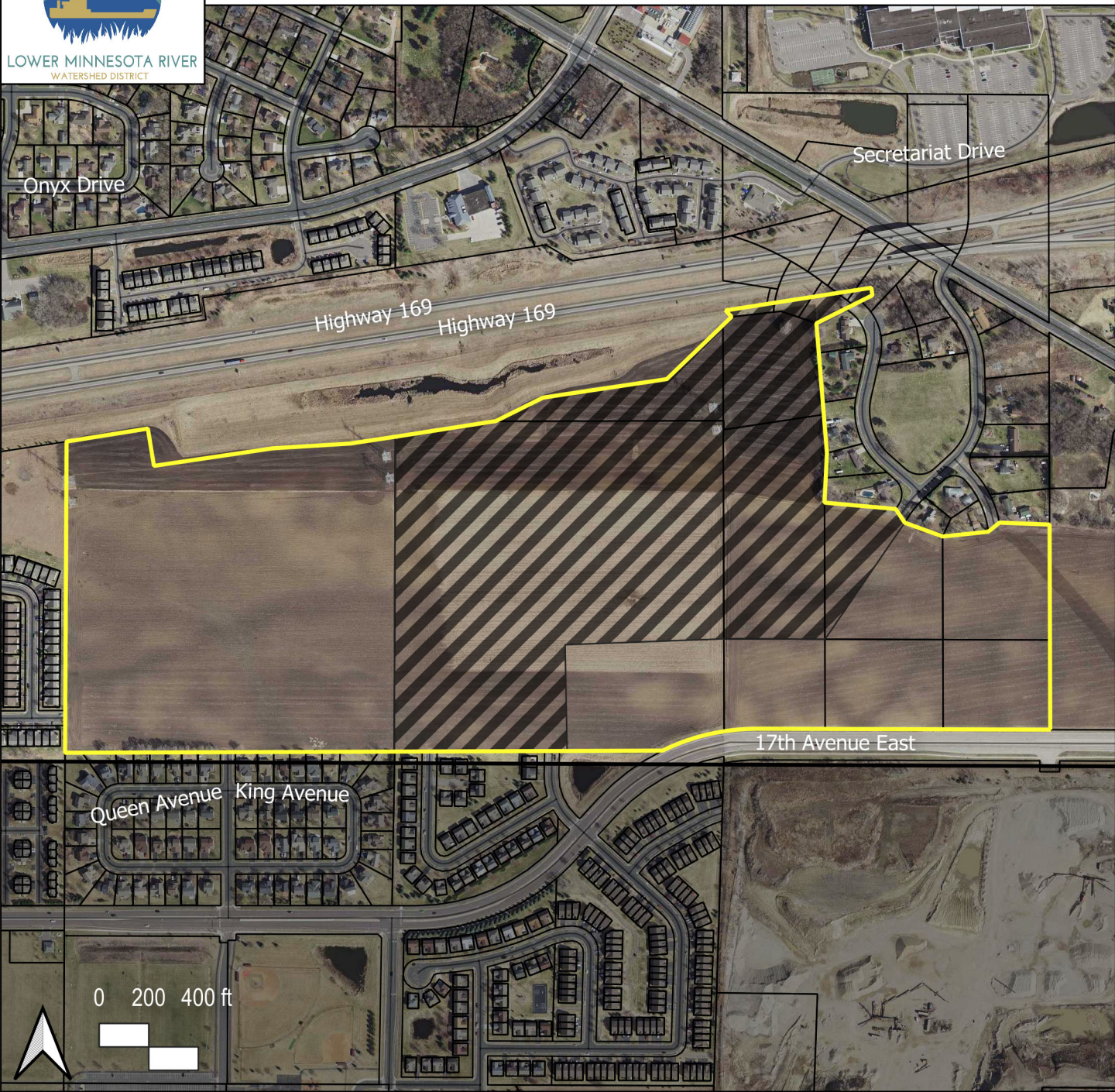
District staff have enjoyed a successful working relationship with the City and have a clear understanding of its internal review process. With this knowledge, we are comfortable recommending conditional approval of the project, pending final staff review of the stormwater management plan and conditioned on the financial assurances outlined above. Young Environmental will continue to work with the City and applicant to confirm the compliance of the stormwater management plan with the District's rules.

### **Attachments**

- Figure 1 – Summerland Place Project Location Map



Figure I: Summerland Place Project Location



**LEGEND**

- Project Location
- Summerland Place
- Summerland Place - First Addition
- Public Waterways
- Public Waters
- LMRWD Boundary
- County Boundaries

**LMRWD Watershed Location Map**

