



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting

Wednesday, June 2, 2021

Agenda Item

Item 4. A Permits & Project Reviews

Prepared By

Linda Loomis, Administrator

Summary

i. Jefferson Court - LMRWD No. 2021-018

This project is a small residential development within the City of Shakopee. Staff is recommending approval of the permit. A technical memorandum detailing the project and LMRWD staff review is attached.

Attachments

Technical Memorandum dated May 26, 2021 - Jefferson Court (LMRWD No. 2021-018)

Recommended Action

Motion to approve LMRWD Permit No. 2021-018: Jefferson Court

ii. West 106th Street Improvement Project - LMRWD No. 2021-023

This is a transportation improvement project that is being constructed jointly by MNDOT and the City of Bloomington. Staff is recommending conditional approval of the permit. A technical memorandum with details of the project and the LMRWD staff review is attached. The LMRWD has received the information requested with the first three conditions.

Attachments

Technical Memorandum dated May 27, 2021 - 106th Street Improvements Project (LMRWD No. 2021-023)

Recommended Action

Motion to conditionally approve LMRWD Permit No. 2021-023: 106th Street Improvements Project, subject to receipt of contact information for the contractor(s) and the individual responsible for inspection and maintenance of all erosion and sediment control features and a copy of the NPDES (National Pollutant Discharge Elimination System) construction stormwater permit.

Technical Memorandum

To: Linda Loomis, Administrator
Lower Minnesota River Watershed District

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

Date: May 26, 2021

Re: Jefferson Court (LMRWD No. 2021-018)

Link Construction, Inc. (the applicant) has applied for an individual project permit from the Lower Minnesota River Watershed District (LMRWD) to develop two vacant parcels into an eight residential lot development in the City of Shakopee (City) as shown in Figure 1. The applicant's engineer, Westwood Professional Services, has provided site plans for the Jefferson Court project (Project) along with the online permit application.

The proposed project consists of constructing eight homes and a cul-de-sac. The project would disturb approximately 2.5 acres and create 0.77 acres of new impervious surfaces. The project is not located within the High Value Resource Area, Steep Slopes Overlay District, or floodplain, and the applicant proposes to commence construction as soon as they receive City and LMRWD approval.

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

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| <u>Project Name:</u> | Jefferson Court |
| <u>Purpose:</u> | Residential development |
| <u>Project Size:</u> | 2.50 acres disturbed; 0 acres existing impervious; 0.77 acres proposed impervious; net increase of 0.77 acres new impervious |

Location: 1053 Jefferson St. S., Shakopee, MN 55379 (PIDs 270170720 and 270240011)

LMRWD Rules: Rule B—Erosion and Sediment Control

Recommended Board Action: Approval

Discussion

The District received the following documents for review:

- LMRWD online permit application, received April 22, 2021
- Stormwater Study, dated April 6, 2021; received April 22, 2021
- Construction Plans by Westwood Professional Services, dated April 6, 2021; received April 22, 2021; revised May 6, 2021
- Permit application fee of \$750, received May 1, 2021
- Final Construction Plans by Westwood Professional Services, revised May 6, 2021; received May 13, 2021
- NPDES permit, dated May 12, 2021; received May 13, 2021
- Authorization of Agent, dated May 14, 2021; received May 17, 2021

The application was deemed complete on May 17, 2021, 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 would disturb approximately 2.5 acres within the LMRWD boundary. The applicant has provided an erosion and sediment control plan, a Stormwater Pollution Prevention Plan, a copy of the NPDES permit, and the contact information for the erosion and sediment control inspector. The Project complies with Rule B.

Additional Items

Although the project does not trigger LMRWD Rule D—Stormwater Management because the net new impervious is less than one acre, the applicant is required to provide stormwater management per the City standards. The project will provide rate control consistent with the City's maximum allowable 100-year rate controls, infiltration of 1.1 inches of runoff from the new impervious, and reduction in total phosphorus and total suspended solids, meeting the LMRWD requirements in Rule D.

Recommendations

The Project meets the requirements outlined in the LMRWD rules. We recommend Board approval and issuance of the attached draft permit (LMRWD Individual Permit 2021-018).

Attachments

- Figure 1—Jefferson Court Project Location Map
- Draft LMRWD Individual Permit 2021-018



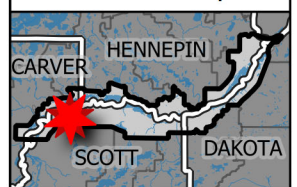
Figure 1: Jefferson Court Project Location



LEGEND

- Project Location
- Jefferson Court
- Jefferson Ct
 - Proposed Impervious
 - Proposed Infiltration Basin
- Proposed Buildings
- Proposed Green Space
- Scott Co. Parcels
- Public Waterways
- Public Waters

LMRWd Watershed Location Map





Individual Project Permit

Pursuant to Minnesota Statutes, Chapter 103B, 103D, and 103F consistent with the rules of the Lower Minnesota River Watershed District (LMRWD), and on the basis of statements and information contained in the permit application, plans and supporting information provided by the applicant, all of which are made part hereof by reference, **permission is hereby granted** to the applicant to perform actions as authorized below.

By granting this permit, the LMRWD does not direct the activity authorized herein or warrant the soundness of the applicant's design or methods in any respect. The LMRWD waives no immunity or protection applicable to itself, an officer, an agent or an employee pursuant to this approval.

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|---|--|---|
| Project Name Jefferson Court | Project Location 1053 Jefferson St. S., Shakopee, MN 55379 | |
| Type of Development Residential | City Shakopee | County Scott |
| Permittee/Property Owner's Name and Title Nancy Link | Permittee Mailing Address 12756 N. Shannon Dr., Shakopee, MN 55379 | |
| Authorized Agent Name and Title John Bender / Westwood | Agent Email Address John.bender@westwoodps.com | Agent Phone Number (952) 937-5150 |
| Purpose of Permit: Constructing 8-lot residential development with cul-de-sac | Authorized Action(s): Grading, erosion and sediment control | |
| Affected Rule(s): Rule B: Erosion and Sediment Control Rule | | |
| Issued Date: 06/XX/2021 | Expiration Date: 06/XX/2022 | |
| Authorized Issuer Name and Title Linda Loomis, Administrator | Email Address: admin@lowermnrivewd.org | Phone Number: (763) 545-4659 |

This permit is granted **subject to** the following **general conditions**:

NPDES Permit: Submit a copy of the NPDES construction stormwater general permit to the LMRWD before construction begins. All erosion and sediment control measures must be effectively installed and maintained according to LMRWD guidelines and MPCA NPDES Permit guidelines as laid out by current District Rules and Policies until all disturbed soils have been permanently stabilized.

Grading and excavating must not begin until the applicant has been noticed that a permit has been issued and required erosion control measures are in place. Working without a permit where required is in violation of LMRWD Rules and is a misdemeanor subject to penalty by law.

Applicable federal, state, or local regulations: The permittee is responsible for the action(s) of their representative, contractor and employees and compliance with all rules, regulations, requirements, or standards of any applicable federal,

state, or local agencies; including, but not limited to, the U.S. Army Corps of Engineers, Board of Water and Soil Resources, MN Pollution Control Agency, watershed districts, water management organizations, county, city and township zoning.

Site access: In accepting this permit, the owner recognizes and agrees that LMRWD representatives may enter the site at reasonable times to inspect the activities authorized hereunder and compliance with the requirements of this permit, the LMRWD Rules and applicable statutes. This includes routine site inspections as well as inspections during or immediately following installation of best management practices, following storms/critical events, prior to seeding deadlines, for the purpose of permit closeout, or on report of issue or complaint. This right of access is in addition to the access authority of the LMRWD under existing law.

Completion date: Construction work authorized under this permit shall be completed on or before the date specified above. No construction is authorized beyond the expiration date. The permittee may request an extension of the time to complete the project by submitting a written request, stating the reason thereof, to the LMRWD, no later than two weeks before this permit expiration.

Written consent: In all cases where the permittee by performing the work authorized by this permit shall involve the taking, using, or damaging of any property rights or interests of any other person or persons, or of any publicly owned lands or improvements thereon or interests therein, the permittee, before proceeding, shall obtain the written consent of all persons, agencies, or authorities concerned, and shall acquire all property, rights, and interests needed for the work.

Not assignable: This permit is not assignable nor transferable by the permittee except with the written consent of the LMRWD.

No changes: The permittee shall make no changes, without written permission or amendment previously obtained from the LMRWD, in the dimensions, capacity or location of any items of work authorized hereunder.

Permission only/no liability: This permit is permissive only. No liability shall be imposed by the LMRWD or any of its officers, agents or employees, officially or personally, on account of the granting hereof or on account of any damage to any person or property resulting from any act or omission of the permittee or any of its agents, employees, or contractors. This permit shall not be construed as estopping or limiting any legal claims or right of action of any person other than the state against the permittee, its agents, employees, or contractors, for any damage or injury resulting from any such act or omission, or as estopping or limiting any legal claim or right of action of the state against the permittee, its agents, employees, or contractors for violation of or failure to comply with the permit or applicable conditions.

Contractor responsibility: The permittee shall ensure the contractor has received and thoroughly understands all conditions of this permit.

Termination: This permit may be terminated by the LMRWD at any time deemed necessary for the conservation of water resources, or in the interest of public health and welfare, or for violation of any of the conditions or applicable laws, unless otherwise provided in the permit.

Technical Memorandum

To: Linda Loomis, Administrator
Lower Minnesota River Watershed District

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

Date: May 27, 2021

Re: 106th Street Improvements Project (LMRWD No. 2021-023)

The City of Bloomington (City) applied for an individual project permit from the Lower Minnesota River Watershed District (LMRWD) to improve and reconstruct West 106th Street adjacent to I-35W, as shown in Figure 1. The City provided site plans for the 106th Street Improvements (Project) along with the permit application. This project lies within both the Nine Mile Creek Watershed District and LMRWD and is a joint project between the City and the Minnesota Department of Transportation (MnDOT).

Elements of the proposed project within the LMRWD consist of reconstructing approximately 600 feet of West 106th Street and completing general improvements for the pedestrian and bicycle pathways, drainage, and signal system. The project would disturb approximately 2.45 acres and create 0.06 acres of new impervious surfaces within LMRWD and is not located within the High Value Resource Area Overlay District, Steep Slopes Overlay District, or 100-year floodplain. The City proposes commencing construction on July 5, 2021.

The City has a LMRWD municipal LGU permit. However, because the City does not have the authority to permit MnDOT projects, this project requires an LMRWD individual permit and, as such, is subject to an LMRWD permitting review for the section of the project that is within its jurisdiction. The City plans to put the Project out for bid within the next few weeks, and the City has requested an expedited review to avoid impacts to the proposed construction schedule.

Summary

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| <u>Project Name:</u> | 106th Street Improvement Project |
| <u>Purpose:</u> | Street reconstruction and improvements |
| <u>Project Size (within LMRWD):</u> | 2.45 acres disturbed; 1.82 acres existing impervious; 1.88 acres proposed impervious; net increase of 0.06 acres new impervious |
| <u>Location:</u> | W. 106th St. & I-35W, Bloomington, MN 55431 |
| <u>LMRWD Rules:</u> | Rule B—Erosion and Sediment Control |
| <u>Recommended Board Action:</u> | Conditional approval |

Discussion

The District received the following documents for review:

- LMRWD online permit application, received May 25, 2021
- Project Map by the City of Bloomington—Engineering Division, received May 25, 2021
- Stormwater Pollution Prevention Plan (SWPPP) by the City of Bloomington—Engineering Division, dated March 8, 2021, received May 25, 2021

The District deemed the application complete on May 27, 2021, and the documents received provide the minimum information necessary for permit review.

Background

Because of a misunderstanding of the municipal LGU permit, the City did not realize the LMRWD retained permitting authority within the City when the work was being performed “by any public body that the City does not have the legal authority to regulate.” The City realized that the project would require an LMRWD permit on May 25, 2021, and contacted the District immediately because the project will be going out for bid within the next two weeks.

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 2.45 acres within the LMRWD boundary. The applicant has provided a Stormwater Pollution Prevention Plan, which includes erosion and sediment control. The applicant has been asked to provide additional information to clarify the following:

- Construction implementation schedule
- Locations of staging areas
- Confirmation that the silt fence extents are shown in the plan sheets

A copy of the NPDES permit will also be needed before a permit can be issued.

Recommendations

The project generally meets the requirements outlined within the LMRWD rules. We recommend conditional approval of the Project, conditioned on the receipt of the following:

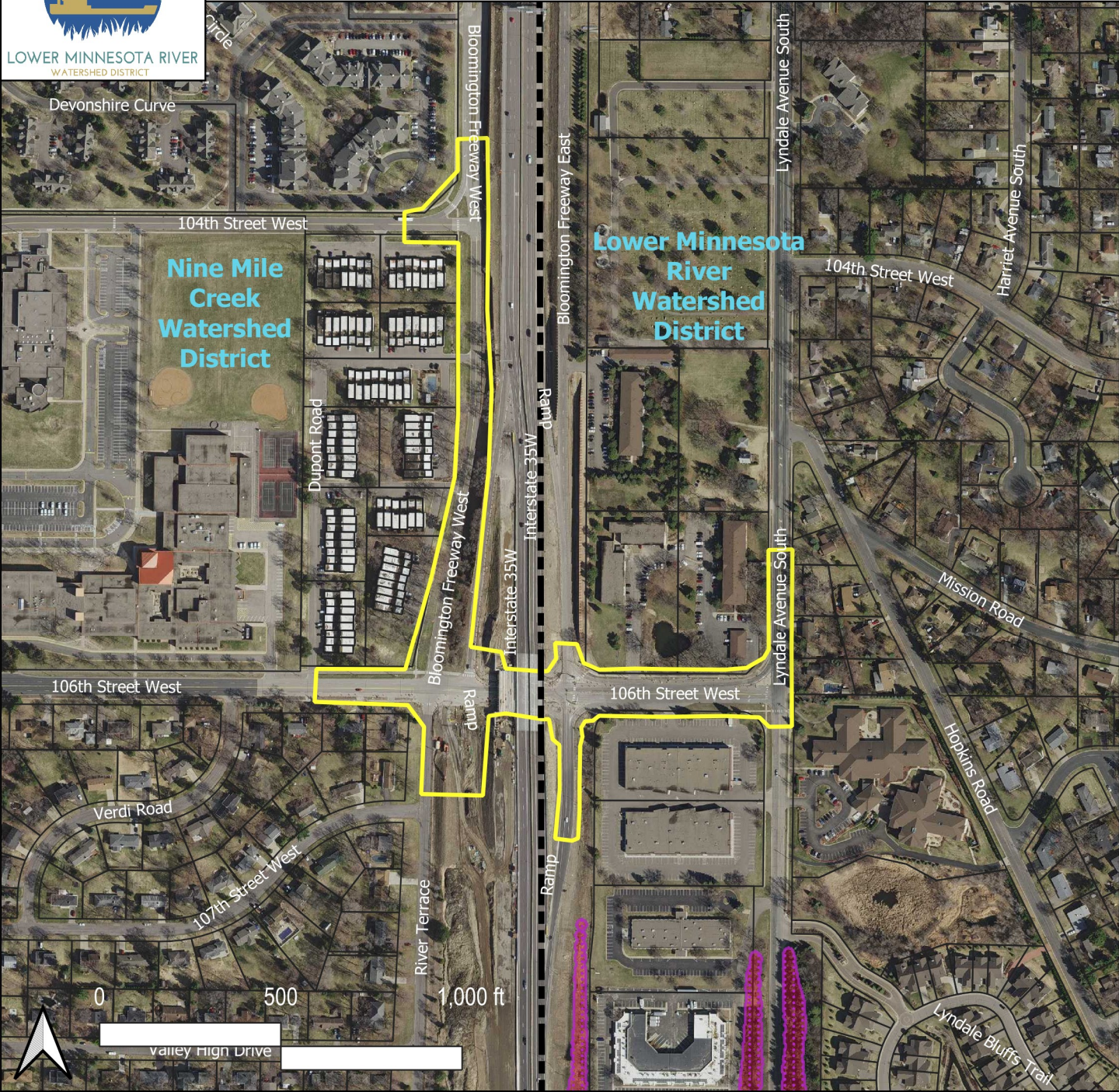
- Construction implementation schedule
- Locations of staging areas
- Confirmation that the silt fence extents are shown in the plans
- Contact information for the contractor(s) and the individual responsible for inspection and maintenance of all erosion and sediment control features
- A copy of the NPDES construction stormwater permit

Attachments











- Figure 1: 106th Street Improvements Location Map



Figure 1: I06th Street Improvement Project Location



LEGEND

-  Project Location
-  I06th Street Improvement
-  LMRWD Boundary
-  Public Waterways
-  Public Waters
-  Steep Slopes Overlay District [SSOD]
-  High Value Resource Area Overlay District
-  Hennepin Co. Parcel Data
-  100-yr Floodplain
-  Floodway

LMRWD Watershed Location Map

