



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting

Wednesday, May 18, 2022

### Agenda Item

#### Item 6. I. – Permits & Project Reviews

#### Prepared By

Linda Loomis, Administrator

#### Summary.

##### i. LMRWD Permit Renewals

LMRWD Permits expire after one year. Young Environmental, on behalf of the LMRWD, has notified applicants whose permits are approaching the one-year limit to check on the status of the projects. Young Environmental checked to make sure the projects have not changed since permits were granted and extension is recommended for the following:

- CSAH 61 Drainage Improvements

#### Attachments

Technical Memorandum May 2022 Permit Renewal Requests

#### Recommended Action

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

##### ii. Minnesota MASH and 130<sup>th</sup> Street Extension (LMRWD No. 2021-033)

This project proposes to build a baseball/softball sports facility in the City of Savage. After several meetings with the City of Savage and the applicant, it has been decided to approve this project in phases. The first phase will allow the applicant to move ahead with grading for the project. More detail is provided in the Technical Memorandum prepared by Young Environmental Consulting Group for the LMRWD.

#### Attachments

Technical Memorandum Minnesota MASH and 130<sup>th</sup> Street (LMRWD Permit No. 2021-033) dated May 11, 2022

#### Recommended Action

Motion to approve site preparation and grading.

##### iii. Chaska TH 41/CSAH 61 Improvements (LMRWD No. 2022-014)

This is a transportation improvement project in downtown Chaska. The City of Chaska has opted to not seek a Municipal Permit from the LMRWD and this is a MnDOT project that is being managed by the City of Chaska

Young Environmental Consulting Group reviewed the application and supporting documentation, on behalf of the LMRWD, and has provided a summary of the project with recommendations.

**Attachments**

Technical Memorandum Chaska TH41/CSAH 61 Improvements (LMRWD Permit No. 2022-014) dated May 11, 2022

**Recommended Action**

Motion to conditionally approve Chaska TH41/CSAH 61 Improvements (LMRWD Permit No. 2022-014) 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.

**iv. Prior Lake Outlet Channel 2022 Bank Stabilization (LMRWD No. 2022-017)**

This is a project of the Prior Lake/Spring Lake Watershed District (PLSLWD). It plans to stabilize two reaches of the Prior Lake Outlet Channel (PLOC). PLSLWD has applied for a public waters work permit from the DNR and the LMRWD was notified and given an opportunity to comment. This work is within the City of Shakopee and within the PLOC floodplain. Young Environmental has reviewed the documentation provided to the DNR on behalf of the LMRWD. No action is required of the Board at this time, however the DNR and PLSLWD will be advised of the recommendation.

**Attachments**

Technical Memorandum Prior Lake Outlet Channel 2022 Bank Stabilization (LMRWD No. 2022-017) dated May 10, 2022

**Recommended Action**

No action recommended at this time

**v. 535 Lakota Lane, Chanhassen – work without a permit**

This item is a follow-up to the report by the City of Chanhassen that the LMRWD received that work had been done without a permit. The LMRWD met with City officials to discuss how to proceed. We have remained in contact with the City. You will see that work was done without city permits either.

Young Environmental Consulting Group inspected the property on behalf of the LMRWD. Their findings are attached.

**Attachments**

Technical Memorandum 535 Lakota Lane Inspection (LMRWD Permit No. 2022-018) dated May 12, 2022

**Recommended Action**

Motion to authorize to continue working with the City and the property owner, send a letter to the property owner as detailed in the Technical Memorandum and proceed with a violation order in consultation with legal counsel, should the owner not comply.

# Technical Memorandum

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

**From:** Katy Thompson, PE, CFM  
Hannah LeClaire, PE

**Date:** May 11, 2022

**Re:** May 2022 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 out monthly reminders to current permit holders with upcoming permit expirations.

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.

*Table 1. Summary of May 2022 LMRWD permit renewal requests.*

LMRWD No.	Project Name	City	Previous Expiration Date	Recommended Expiration Date
2021-002	CSAH 61 Drainage Improvements	Chaska	10/20/22	10/20/23
	<u>Reason for Extension:</u> The project was delayed internally and the preferred construction window is during winter months when creek and river would be at low flows; the County is requesting to extend permit expiration through March 2023.			

## Recommendation

Staff recommends renewing the permits provided in Table 1.

# Technical Memorandum

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

**From:** Hannah LeClaire, PE  
Katy Thompson, PE, CFM

**Date:** May 11, 2022

**Re:** Minnesota MASH and 130th Street (LMRWD No. 2021-033)

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Minnesota MASH (the applicant) has applied for an individual project permit from the Lower Minnesota River Watershed District (LMRWD) to develop a baseball complex in the City of Savage (City). As part of the project, 130th Street will be extended to provide access to the facility and future development, as shown in Figure 1. The applicant's engineer, ISG, Inc., has provided site plans for the Minnesota MASH project and street extension (Project) along with the permit application. Because the City does not have its LMRWD municipal LGU permit, this Project requires an LMRWD individual permit.

The Project consists of constructing an indoor sports facility, two outdoor baseball fields, associated parking, and four filtration basins. The project will be constructed in two phases. Phase I work includes the extension of 130th Street and the construction of the indoor sporting facility, parking lots, and filtration basins. Phase II will consist of the construction of the outdoor baseball fields. The proposed activities would disturb approximately 13.56 acres and create 8.97 acres of new impervious surface. The site is partially located within the High Value Resource Area ([HVRA] near Savage Fen) and is adjacent to the Steep Slopes Overlay District, but it is not within the 100-year floodplain.

A majority of the proposed impervious area (8.21 acres) will be treated on-site by three filtration basins and one temporary filtration basin. The remaining proposed impervious area from the 130th Street extension will be directed to a City NURP pond, Fire Station Pond, that was constructed as part of a previous City project. The City has agreed to modify the Fire Station Pond outlet and basin to accommodate the increased impervious area from Minnesota MASH's extension of 130th Street. Unfortunately, as of May 10, 2022, the City's modifications to Fire Station Pond still do not meet LMRWD



requirements.

Timing is a concern to the applicant because materials have been ordered for delivery in July 2022. Grading is scheduled to begin in June and must be completed before the building materials arrive. The City has requested the LMRWD permit be approved for the initial grading of the site to prepare for the delivery of materials while the Fire Station Pond design is reworked to meet LMRWD Rule D.

In previous permit applications with similar time constraints, permits have been issued in phases, allowing the applicant to begin mass grading ahead of the stormwater approvals under Rule D. In these cases, the initial permits explicitly forbid the construction of impervious surfaces until LMRWD staff members were able to confirm the project met all the requirements under Rule D. This approach would provide the City with additional time to revise its stormwater management plans for the drainage directed to the Fire Station Pond while also allowing construction to stay on schedule.

## Summary

<u>Project Name:</u>	Minnesota MASH
<u>Purpose:</u>	Development of baseball complex and street extension
<u>Project Size:</u>	13.56 acres disturbed; 8.97 acres new impervious
<u>Location:</u>	13050 Dakota Avenue South, Savage, MN 55378
<u>LMRWD Rules:</u>	Rule B—Erosion and Sediment Control Rule D—Stormwater Management
<u>Recommended Board Action:</u>	Approval of initial grading only

## Discussion

The LMRWD received the following documents for review:

- LMRWD permit application; received September 17, 2021
- LMRWD permit review fee of \$1,500; received December 8, 2021
- Authorization of agent form; received December 6, 2021
- Preliminary development plans by ISG; dated August 27, 2021; revised October 1, 2021; received November 12, 2021
- Draft stormwater report by ISG; dated August 27, 2021; received September 17, 2021
- Stormwater report by ISG; dated November 12, 2021; revised April 29, 2022;

- received May 2, 2022
- Draft maintenance agreement between LMRWD and MN Mash; received September 17, 2021
  - Preliminary structural plans by ISG; dated November 12, 2021; received November 12, 2021
  - LMRWD response letter by ISG; received November 12, 2021
  - LMRWD response letter by ISG; dated November 24, 2021; received November 24, 2021
  - Stormwater Management Report by ISG; dated January 6, 2022; received January 19, 2022
  - WCA Notice of Decision by City of Savage; dated November 1, 2021; received January 31, 2022
  - Construction site plans by ISG; dated February 9, 2022; revised April 4, 2022; received April 29, 2022
  - Maintenance Agreement between LMRWD and MN MASH, no date; received April 14, 2022
  - Stormwater Management Plan by the City of Savage, dated April 6, 2022; revised May 6; received May 6, 2022
  - Wetland Reestablishment and Pond Grading by the City of Savage, no date; received April 29, 2022
  - Savage Fire Station No. 60 Pond Outlet and East Storm Sewer Details by the City of Savage, no date; received April 29, 2022
  - MN MASH/City of Savage 130th Street Extension Construction Plans by ISG, dated December 8, 2021; revised April 4, 2022; received May 4, 2022

The application was originally deemed complete on December 8, 2021, and the documents received provided the minimum information necessary for permit review. However, during discussions with the applicant, it became apparent that the 130th Street extension was not accounted for in the stormwater design, and the application was deemed incomplete, pending updated modeling and calculations. Revised plans were provided in April, and the project application, including 130th Street, was deemed complete on May 9, 2022.

## **Rules Review**

Because of the timing concerns of the applicant, we have segregated our permit review to just the initial site preparation work and mass grading activities. The applicant will be required to provide updated stormwater treatment calculations to obtain a permit amendment to include the construction of impervious surfaces.

### **Rule B—Erosion and Sediment Control**

The LMRWD regulates land-disturbing activities that affect one acre or more under Rule

B as well as land-disturbing activities that involve the displacement or removal of 5,000 square feet or more of surface area or vegetation or the excavation of 50 cubic yards or more of earth within the HVRA Overlay District. The proposed project would disturb approximately 13.56 acres within the LMRWD boundary, of which 5.7 acres are within the HVRA. 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 contractor and person(s) responsible for the inspection and maintenance of erosion and sediment control features. The Project complies with Rule B.

### **Recommendations**

The applicant has made it clear that time is of the essence for the project. Therefore, the staff recommends approval of the Project for initial site preparation and grading only.

As discussed above, this permit allows the applicant to begin work on the site preparation, including mass grading, but does not allow for the construction of any new impervious surface. Staff recommends the applicant and the City of Savage continue to work together with the LMRWD to ensure the stormwater management system complies with LMRWD rules. A permit amendment will be required to construct impervious surface and stormwater BMPs.

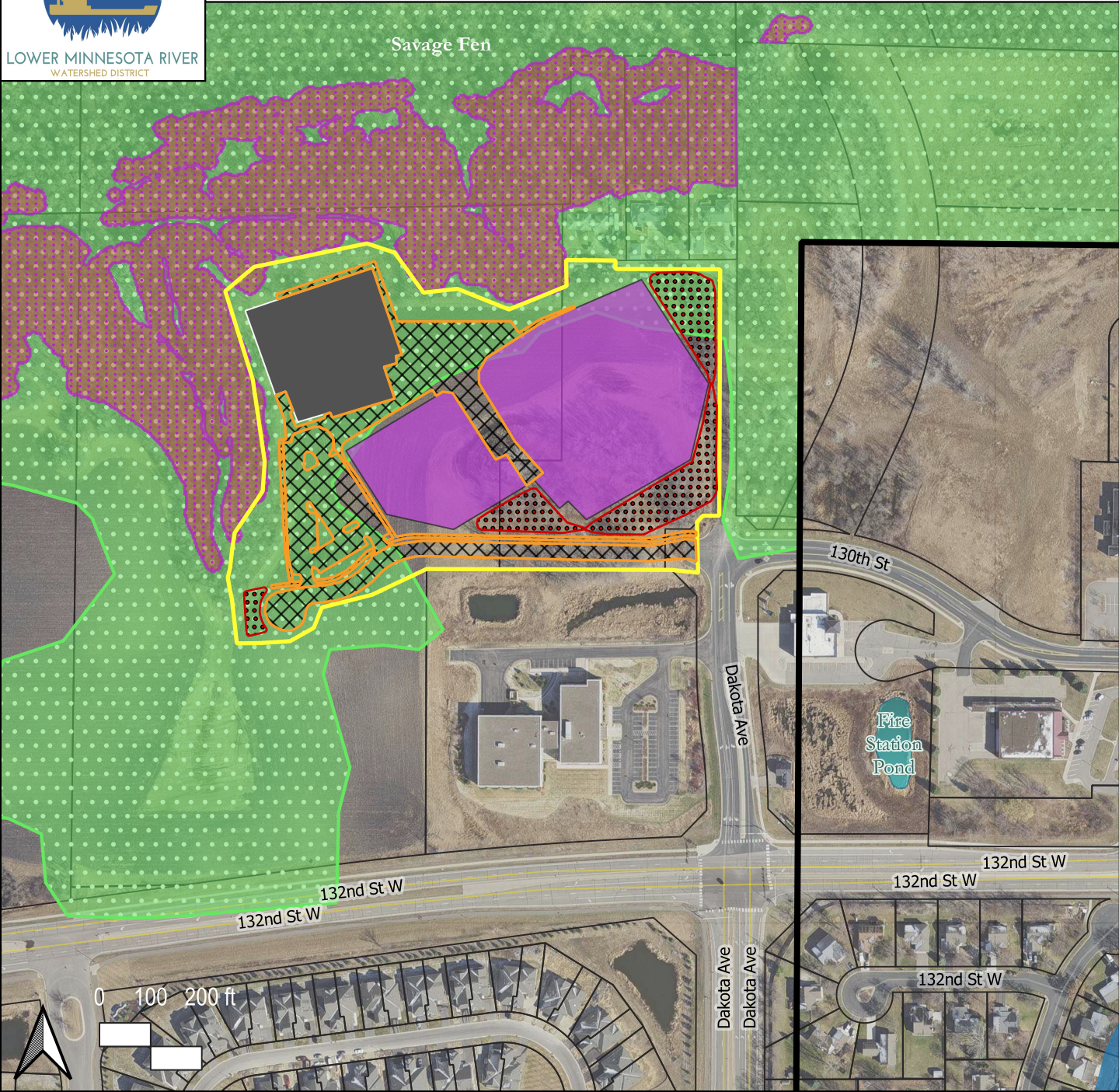
### **Attachments**

- Figure 1 – Minnesota MASH Project Location Map


















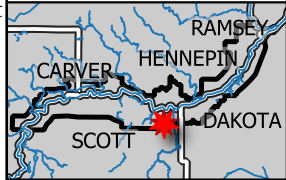
Figure I: MN MASH Project Location



**LEGEND**

-  Project Location
-  MN MASH
-  Baseball field
-  Building
-  Impervious Surface
-  Filtration Basin
-  Fire Station Pond
-  Public Waterbody
-  High Value Resource Area
-  Steep Slopes Overlay District
-  LMRWD Boundary
-  Scott Co. Parcels
-  County Boundaries

**LMRWD Watershed Location Map**





# Technical Memorandum

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

**From:** Hannah LeClaire, PE  
Della Schall Young, CPESC, PMP

**Cc:** Taylor Huinker  
Minnesota Department of Natural Resources

**Date:** May 11, 2022

**Re:** Chaska TH 41 / CSAH 61 Improvements (LMRWD No. 2022-014)

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The City of Chaska (the applicant) has applied for an individual project permit from the Lower Minnesota River Watershed District (LMRWD). The applicant is proposing roadway improvements along Trunk Highway (TH) 41 (Chestnut Street), beginning at the Minnesota River Bridge and continuing north to Walnut Street, and County State Aid Highway (CSAH) 61 (Chaska Boulevard), beginning at TH 41 and continuing east to Yellow Brick Road as shown in Figure 1. The project involves converting TH 41 from a four-lane divided roadway to a two-lane divided roadway with turn lanes and converting CSAH 61 from a four-lane undivided roadway to a four-lane divided roadway with raised median and turn lanes along with water quality treatment features. The applicant's engineer, Stantec, has provided site plans for the Chaska TH 41 / CSAH 61 improvements (Project) along with the permit application.

The Project is not located within the High Value Resource Area or Steep Slopes Overlay District. However, a small portion of the Project is within the floodplain of East Chaska Creek near the eastern end of improvements on CSAH 61. The applicant proposes to commence construction in July 2022.

The Project is located within the Minnesota Department of Transportation (MnDOT) right of way and therefore requires an LMRWD individual permit. A majority of the Project is within the LMRWD boundary; however, the northwestern corner is in the legal boundary of the Carver County Watershed Management Organization (CCWMO). The

CCWMO deferred its permitting authority to the LMRWD because the stormwater drains to resources within the LMRWD, and the proposed Best Management Practices (BMPs) are also located within the LMRWD. Therefore, the entire Project area was reviewed to meet the requirements of the LMRWD rules.

In addition to our review of the LMRWD individual project permit application, the Minnesota Department of Natural Resources (MnDNR) has requested a review of the Project through the MnDNR Permitting and Reporting System (MPARS) on or before May 12, 2022. This memo addresses both reviews.

## Summary

<u>Project Name:</u>	Chaska TH 41 / CSAH 61 Improvements
<u>Purpose:</u>	TH 41 and CSAH 61 Roadway Improvements and Reconstruction
<u>Project Size:</u>	12.76 acres disturbed (0.99 within CCWMO); 10.12 acres existing impervious (0.72 within CCWMO); 10.28 acres proposed impervious (0.86 within CCWMO); net increase of 0.16 acres new impervious (0.14 within CCWMO)
<u>Location:</u>	TH 41 between the Minnesota River Bridge and Walnut St and CSAH 61 between TH 41 and Yellow Brick Road
<u>LMRWD Rules:</u>	Rule B—Erosion and Sediment Control Rule C—Floodplain and Drainage Alteration
<u>Recommended Board Action:</u>	Conditional approval

## Discussion

The LMRWD received the following documents for review:

- LMRWD permit application, received March 22, 2022
- Stormwater Management Report for TH41/CSAH61 Improvements by Stantec, dated March 22, 2022; received March 22, 2022
- TH 41 & CSAH 61 Improvements Construction Plans by Stantec, dated March 4, 2022; received March 22, 2022
- Additional TH 41 & CSAH 61 Improvements SWPPP Plan Sheets by Stantec, dated March 4, 2022; received April 20, 2022
- Public Waters Work Permit Application by Stantec, dated March 22, 2022;

received April 12, 2022

- CSAH 61 Creek Photo, by Stantec, no date, received April 12, 2022
- Project Location Public Water Impacts and Plans by Stantec, dated June 10, 2021, and March 15, 2022; received April 12, 2022
- Erosion Control Plans by Stantec, dated March 2, 2022; received April 12, 2022

The application was deemed complete on May 11, 2022, and the documents received provide the minimum information necessary for permit review.

### Background

#### Rule B—Erosion and Sediment Control

The LMRWD regulates land-disturbing activities that affect one acre or more under Rule B. The proposed Project would disturb approximately 11.77 acres within the LMRWD boundary and approximately 0.99 acres within the CCWMO 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 National Pollutant Discharge Elimination system (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 LMRWD can issue a permit.

#### Rule C—Floodplain and Drainage Alteration

The outlet of the CSAH 61 BMP, as shown in Figure 1, extends into the East Chaska Creek floodplain. The 100-year floodplain elevation at this location is 724.60, according to the Federal Emergency Management Agency's Flood Insurance Study (FIS) for Carver County, Minnesota, effective December 21, 2018 (FIS Number 27019CV000A). The BMP outlet consists of an emergency overflow (EOF) and riprap protection at the culvert outlets. A cut-and-fill summary provided by Stantec shows that there is a net cut for the proposed EOF and riprap within the 100-y floodplain, and no compensatory storage is required. The project meets the minimum requirements of Rule C.

#### Additional Considerations

The proposed reconstruction project will create 0.16 acres of new impervious surface, which does not trigger LMRWD Rule D; however, the Project has proposed a stormwater management system that meets the stormwater requirements of the City of Chaska. The proposed project discharges to East Chaska Creek near CSAH 61 and to the Minnesota River near TH 41. Stormwater management facilities include a bioretention basin located south of CSAH 61 at East Chaska Creek and permeable pavement in a proposed parking lot in the southeast quadrant of TH 41 and East 3rd Street. Additionally, two existing swirl chambers are located on East 1st Street and will be left in place (Figure 1). Although the LMRWD is not reviewing the stormwater

management system for this project, it is noted that current runoff from the roadway enters East Chaska Creek untreated. The proposed bioretention basin will treat water from a portion of CSAH 61 and is intended to reduce erosion potential and improve the water quality of discharge entering the creek. The City will acquire right of way for the public improvements occurring at the parking lots, as well as a permit to construct the bioretention basin on the Carver County Rail Authority property.

On July 29, 2021, the LMRWD received a Minnesota Wetland Conservation Act Notice of Application and TH 41 & CSAH 61 Improvements Joint Application: Type and Boundary/No Loss for review. The LMRWD staff submitted their review memo to MnDOT as part of the Wetland Conservation Act application comment period and recommended a Technical Evaluation Panel (TEP) field review to confirm no wetlands exist along East Chaska Creek within the Project area. A TEP field review was completed in August of 2021 and confirmed there are no wetlands present within the project site.

### **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

We will submit this memo to the MnDNR as part of the MPARS comment period.

### **Attachments**

- Figure 1 – Chaska TH 41 / CSAH 61 Improvements Project Location Map



















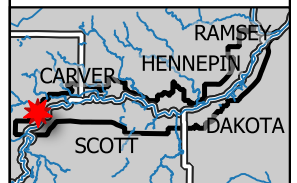
Figure 1: TH 41 / CSAH 61 Project Location



**Legend**

-  Project Location
-  TH 41 / CSAH 61 Project Site
-  Bioretention Basin
-  Permeable Pavers
-  Swirl Chamber
-  Steep Slopes Overlay District
-  Public Waterways
-  Public Waters
-  LMRWD Boundary
-  Floodway
-  100-yr Floodplain
-  Carver Co. Parcels
-  Steep Slopes Overlay District
-  County Boundaries

**LMRWd Watershed Location Map**





# Technical Memorandum

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

**From:** Hannah LeClaire, PE  
Della Schall Young, CPESC, PMP

**CC:** Taylor Huinker  
Minnesota Department of Natural Resources

**Date:** May 10, 2022

**Re:** Prior Lake Outlet Channel 2022 Bank Stabilization (LMRWD No. 2022-0017)

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Prior Lake Spring Lake Watershed District (the applicant or PLSLWD) has applied for a Public Waters Work Permit from the Minnesota Department of Natural Resources (MnDNR) through the MnDNR Permitting and Reporting System (MPARS) to stabilize banks and address erosion issues in the Prior Lake Outlet Channel (PLOC). The Prior Lake Outlet Channel 2022 Bank Stabilization project (Project) is located within the City of Shakopee, and the MnDNR has requested comments on the Project through MPARS.

The applicant proposes to stabilize three locations along the PLOC; however, only two locations are within the Lower Minnesota River Watershed District's (LMRWD's) boundary, as shown in Figure 1. To the locations within the LMRWD, the applicant proposes bank shaping with a boulder toe at Segment 4 – RB 58 (Figure 2) and rock cross vanes at Segment 5A (Figure 3).

The City of Shakopee has obtained a Municipal Permit from the LMRWD and therefore is considered the primary permitting authority for this project. The Project is not located within the LMRWD's High Value Resource Area or the Steep Slopes Overlay District; however, it is located within the floodplain of the PLOC. Because the LMRWD is the permitting authority for impacts to the floodplain within the City of Shakopee, this Project would be subject to a permit review by the LMRWD.

Young Environmental, a LMRWD staff member, has reviewed the MPARS Public Waters Work Permit application. A project summary and comments on the permit application are provided below.

## Summary

<u>Project Name:</u>	Prior Lake Outlet Channel 2022 Bank Stabilization
<u>Purpose:</u>	Stabilize the banks of the PLOC
<u>Project Size:</u>	<1 acre of disturbance; floodplain fill not provided at this time
<u>Location:</u>	PLOC Segment 4 – RB 58 south of Eagle Creek Blvd and east of Pike Lake Rd PLOC Segment 5A between Oak Ridge Trail and Eagle Creek Blvd
<u>LMRWD Rules:</u>	Rule C—Floodplain and Drainage Alteration
<u>Recommended Board Action:</u>	Informational only

## Discussion

The LMRWD received the following documents for review:

- Public Waters Work Permit Application, dated November 24, 2014; received April 19, 2022
- Prior Lake Outlet Channel 2022 Bank Stabilization Draft Construction Plans by Emmons & Oliver Resources, Inc., dated April 12, 2022; received April 19, 2022

### Rule C—Floodplain and Drainage Alteration

As discussed, the Project is located within the floodplain of the PLOC. The Project proposes to fill within the floodplain to stabilize the channel with a boulder toe and rock cross vanes. The quantity of fill has not been provided by the applicant. However, a profile view at Segment 5A shows an increase in the 100-year water surface elevation due to the construction of the rock cross vanes. The maximum rise is approximately 0.3 feet between Eagle Creek Blvd and Oak Ridge Trail. Typically, rock cross vanes are most effective for lower discharges and have little effect on the 100-year water surface elevation because they are submerged. The applicant will be required to submit the following to comply with Rule C:

- The normal and high water levels for the adjacent stormwater ponds and wetlands

- The proposed quantity of cut and fill within the PLOC floodplain for all bank stabilization sites within the LMRWD as well as the change in water storage capacity resulting from the proposed activity
- A no-rise certificate signed by a professional engineer to ensure that the proposed fill within the PLOC floodplain will not affect the 100-year water surface elevations at either location
- Hydraulic modeling that supports the required no-rise certificate

### Additional Considerations

The LMRWD staff has the following additional concerns and questions regarding the proposed project:

1. An existing seepage area is identified in the plans at Segment 5A. How is this seepage area being addressed, and how will the applicant ensure that the seepage will not undermine the proposed rock cross vanes?
2. Plan sheet *Segment 5A – Site Plan* shows riprap Class III is proposed for the base of the rock cross vane; however, the *Details – 1* sheet shows riprap Class II. Which riprap class is being proposed, and what hydraulic and riprap sizing calculations were used to determine the appropriate riprap size?
3. What is the purpose of regrading the Wetland outlet near Segment 5A, and how will this affect the proposed project?
4. Water at the outlet of the rock cross vanes appears to be directed toward the east bank of the PLOC. Will this cause unintended bank erosion?
5. The proposed 100-year water surface elevation is approximately 761 feet at the rock cross vanes; however, the riprap does not extend beyond this elevation. How will the applicant ensure that the water does not cut around the riprap and destabilize the structure during high flows?
6. The applicant proposes to use excess channel material to fill the voids in the rock cross vanes and riprap chute. If the voids are not completely filled, water will flow through the rocks instead of over them and potentially destabilize the structure. Ideally, the voids in the structure would be filled with a gradation of rock that will not wash away with the flow of the stream. Additional material should be considered to fill the voids in the field if the channel material is not sufficient.
7. Consider extending the boulder toe through the toe of the slope and into the channel bottom to prevent erosion from undermining the toe of the riprap.

### **Recommendations**

We appreciate the opportunity to comment on the proposed Project. Although no Board action is required at this time, we offer the following summarized comments to the applicant, which will be uploaded to MPARS as part of the Public Waters Work Permit commend period:

- The applicant should apply for and receive a LMRWD Individual Project Permit before construction begins. As presented, the Project appears to trigger Rule C.
- The Project is located within the 100-year floodplain; the applicant should provide documentation that no loss of floodplain storage or increases to the 100-year water surface elevation would result from the Project.
- The applicant should apply for and receive a Municipal Permit from the City of Shakopee before construction begins.

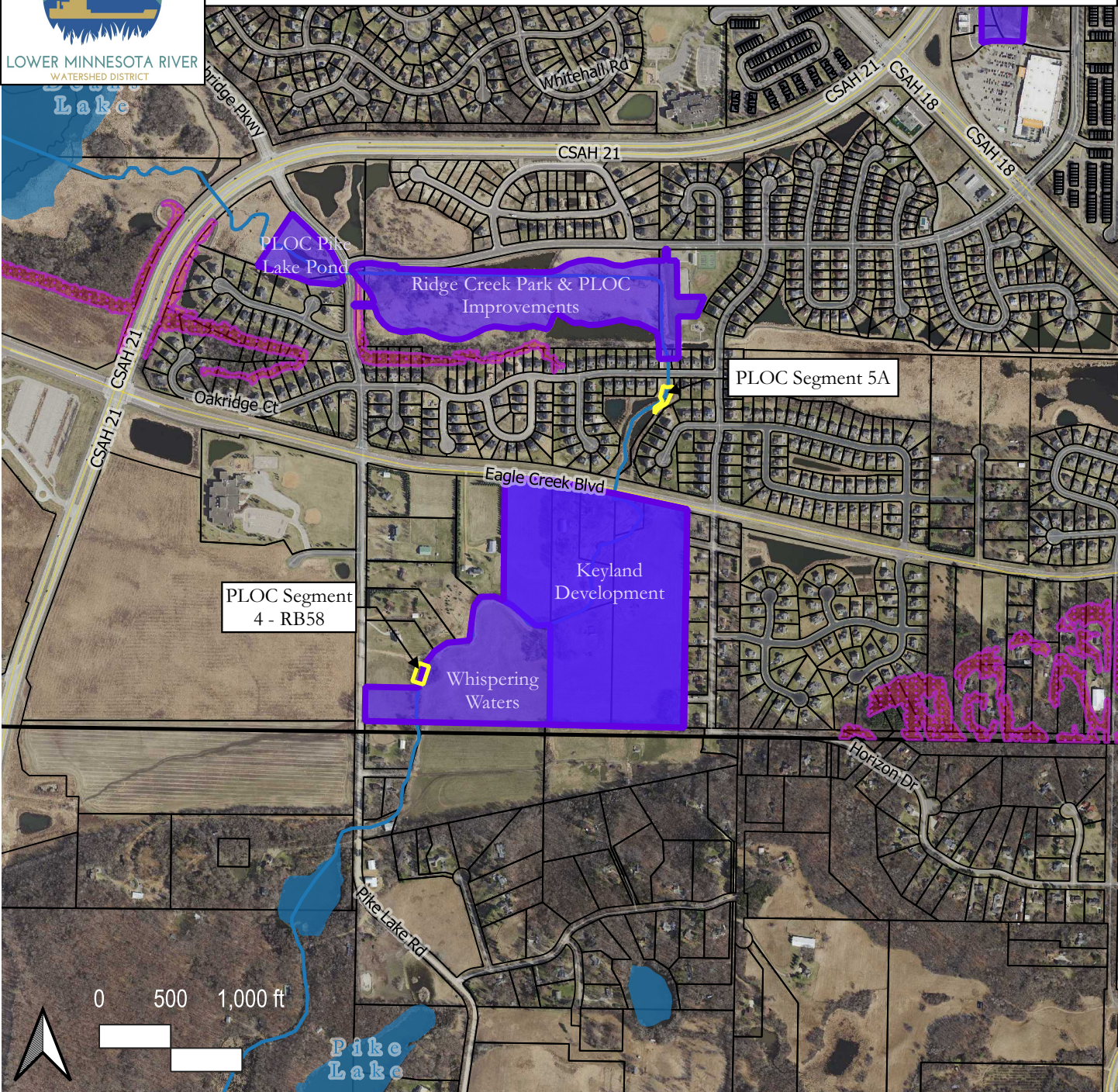
### **Attachments**

- Figure 1: Project Location Map
- Figure 2: PLOC Segment 4 – RB 58 Site Map
- Figure 3: PLOC Segment 5A – Site Map





Figure I: PLOC Bank Stabilization Project Location



- |                               |                               |
|-------------------------------|-------------------------------|
| Project Location              | Steep Slopes Overlay District |
| PLOC Bank Stabilization Sites | LMRWD Boundary                |
| Other LMRWD Permits           | Scott Co. Parcels             |
| Public Waterbodies            | County Boundaries             |
| Public Watercourses           |                               |

LMRWD Watershed Location Map















Figure 2: PLOC Segment 4 -RB58



- |   |   |
|---|---|
|  PLOC Bank Stabilization Sites |  Project Location    |
|  Other LMRWD Permits           |  LMRWD Boundary      |
|  Bank Shaping                  |  County Boundaries   |
|  Boulder Toe                   |  Public Watercourses |
|  Scott Co. Parcels             |   |

LMRWD Watershed  
Location Map

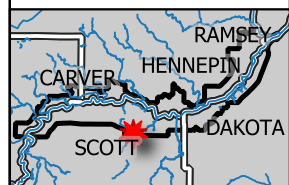
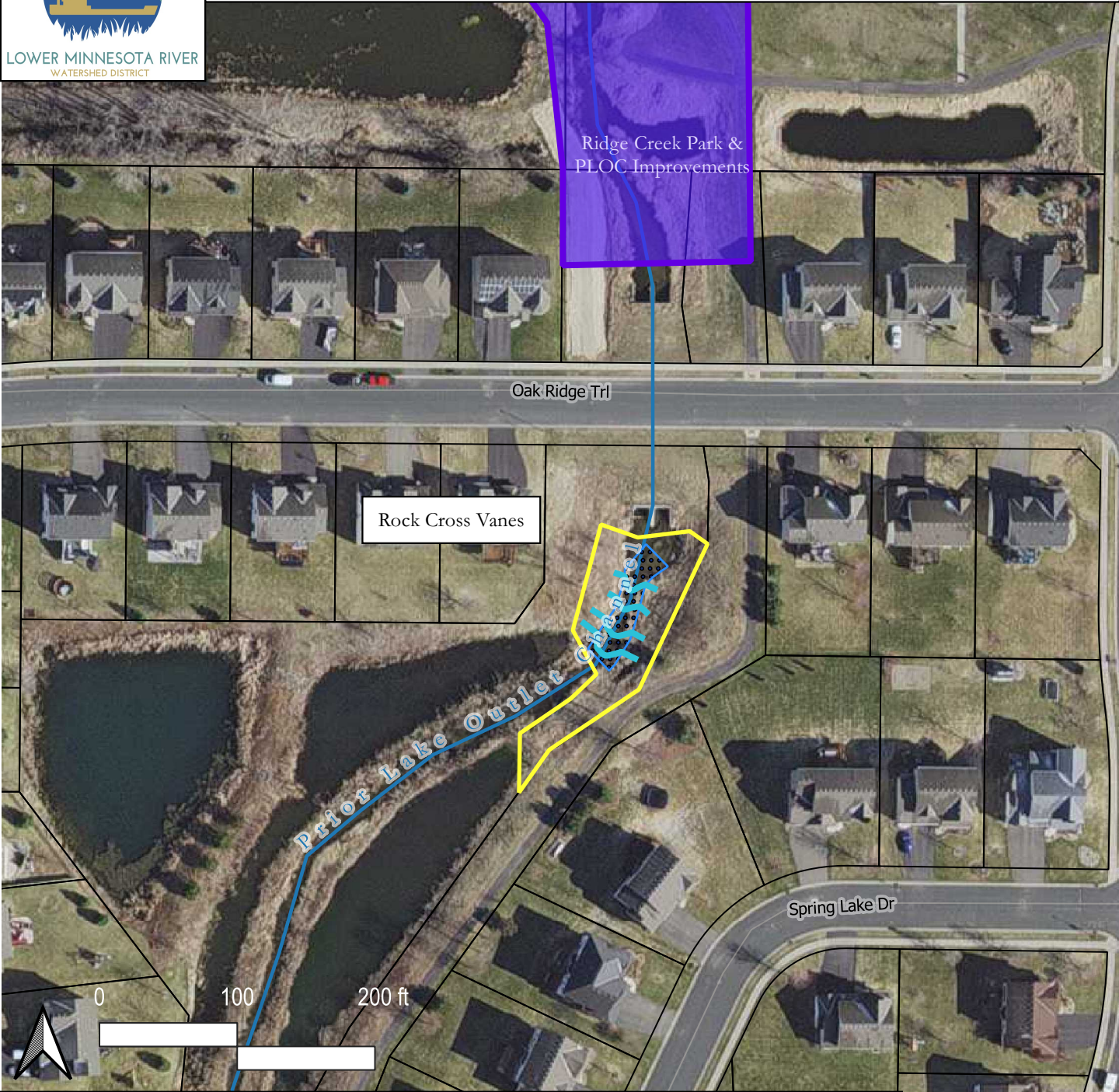






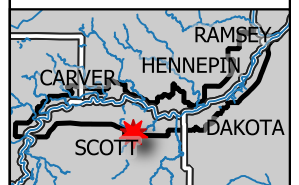
Figure 3: PLOC Segment 5A



**Legend**

- |                               |                   |
|-------------------------------|-------------------|
| PLOC Bank Stabilization Sites | Project Location  |
| Other LMRWD Permits           | LMRWD Boundary    |
| Riprap Chute                  | County Boundaries |
| Rock Cross Vanes              | Public Waters     |
| Scott Co. Parcels             |                   |

**LMRWD Watershed Location Map**





# Technical Memorandum

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

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

**Date:** May 12, 2022

**Re:** 535 Lakota Lane Inspection (LMRWD No. 2022-018)

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During the April 16, 2022, board meeting, the administrator and legal counsel informed the managers that the owner of 535 Lakota Lane had made improvements to the property potentially within the Lower Minnesota River Watershed District (LMRWD) within the Steep Slopes Overlay District (SSOD) without a permit. Based on the information, the managers authorized staff to inspect the property to assess whether the owner had violated LMRWD rules. Young Environmental, as LMRWD staff, completed the property inspection because the city of Chanhassen does not have its municipal LGU permit, and our findings are as follows.

## Background

The City of Chanhassen (City) contacted the LMRWD on April 13, 2022, regarding a resident, Mr. Andy Polski, who had recently done work to their property at 535 Lakota Lane without a permit (Figure 1). The City was concerned that the work may have been in the LMRWD SSOD and included grading, construction of a retaining wall and drain tile, and tree removals. The City became aware of the violation when Mr. Polski listed the property for sale, and the information included a list of improvements that required City permits; however, no permits had been pulled. City staff investigated the violations and are now working with the property owner to either retroactively issue the permits for the 50 improvements identified or restore the site to previous conditions because the improvements have already been constructed (Attachment 1). The concerns related to the LMRWD SSOD include the following:

- Encroachments into the bluff setback and impact zone from the deck addition,

retaining wall, pool pad, and grading and vegetation removal

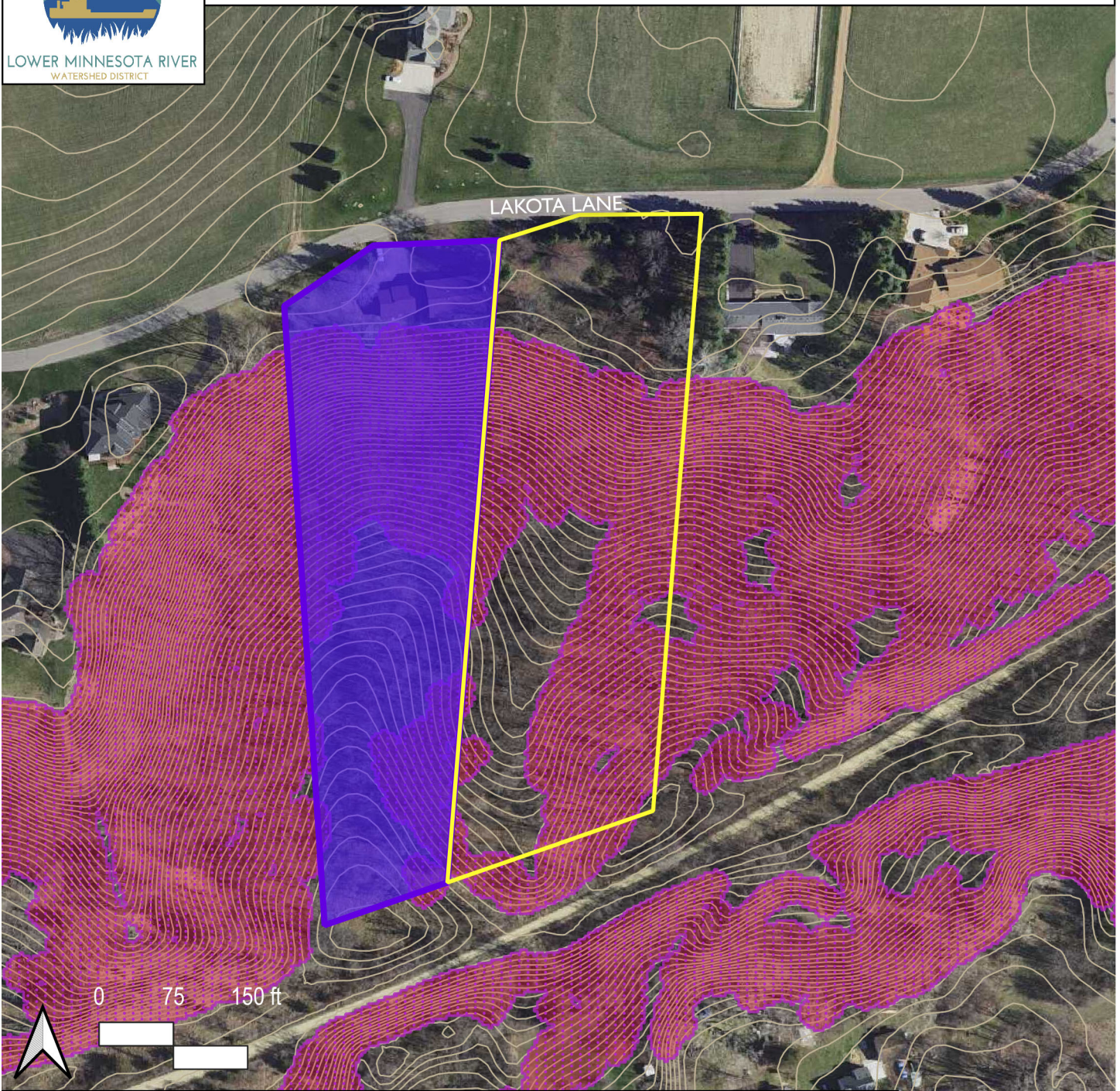
- Tree removal on the bluff
- Drain tile and sump pump installation
- Permanent site stabilization to prevent erosion

The approximate extent of the improvements are shown in Figure 2.











Figure 1: 535 Lakota Lane



**LEGEND**

-  535 Lakota Ln
-  Previous LMRWD Permit Reviews
-  Steep Slopes Overlay District
-  Carver Co. Parcels
-  Carver Co. 2-ft Contours
-  LMRWD Boundary

**LMRWD Watershed Location Map**

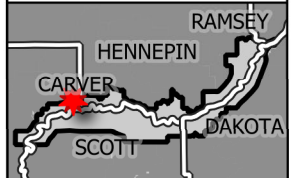
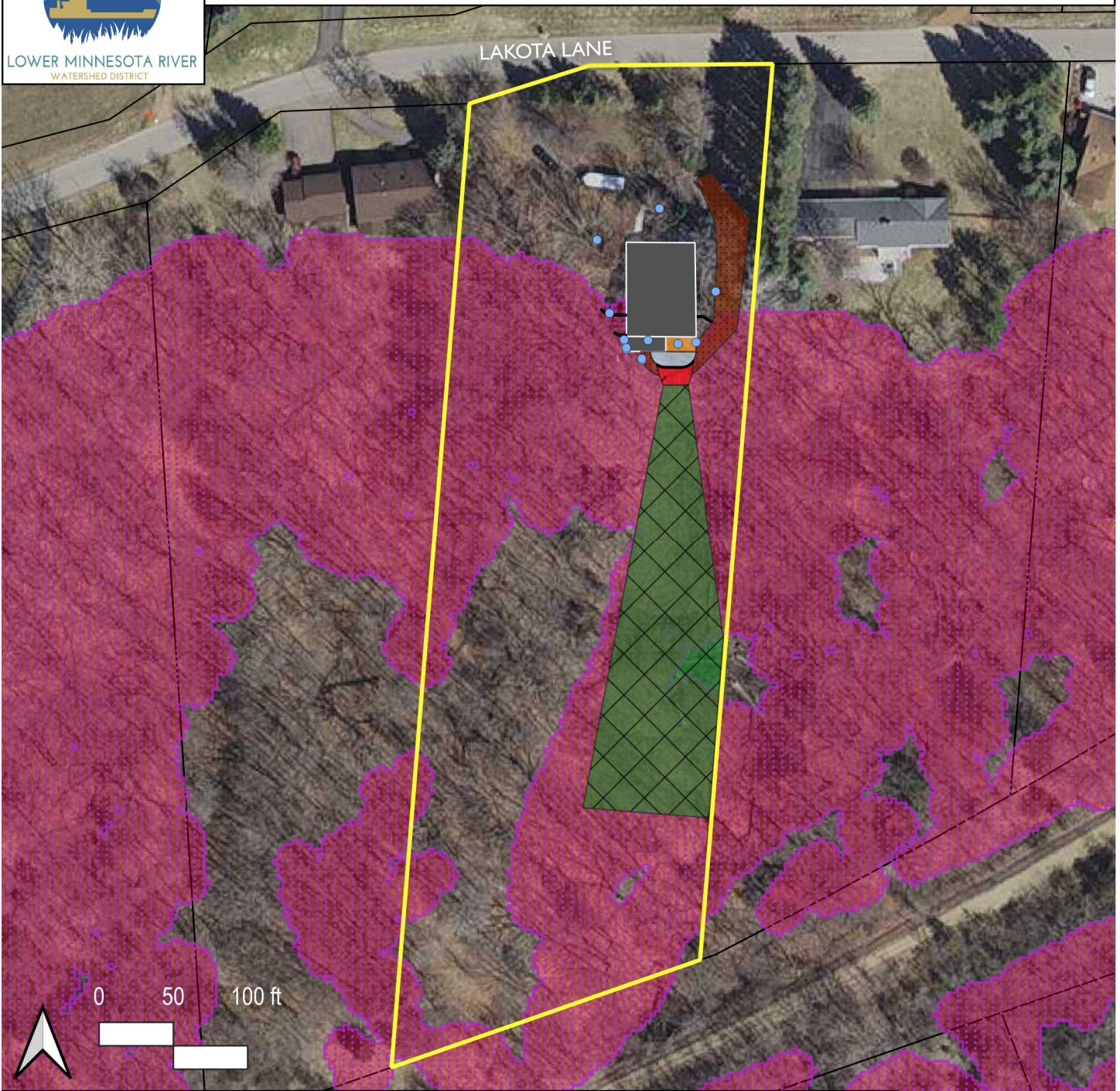






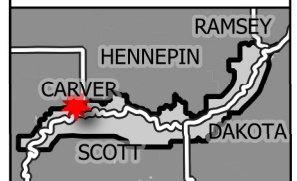
Figure 2: 535 Lakota Lane Site Inspection



**LEGEND**

- |                         |                               |
|-------------------------|-------------------------------|
| 535 Lakota Ln           | Riprap                        |
| Runoff/Discharge Points | Retaining Wall                |
| Existing Deck           | Tree Clearing                 |
| Deck Addition           | Steep Slopes Overlay District |
| Pool Pad                | Carver Co. Parcels            |
| Gravel                  | LMRWD Boundary                |

**LMRWD Watershed  
Location Map**





## Summary

<u>Project Name:</u>	Polski Residence—Work Without Permit
<u>Purpose:</u>	Unpermitted residential improvements and grading in the SSOD
<u>Project Size:</u>	Unknown, estimated 1,400 square feet in SSOD and approximately 3,700 square feet of new impervious surfaces.
<u>Location:</u>	535 Lakota Lane, Chanhassen (Parcel ID No. 251300020)
<u>LMRWD Rules:</u>	Rule F—Steep Slopes
<u>Recommended Board Action:</u>	None, information only

The property is located in the Bluffview Addition, platted in 1958 and constructed in 1978. It is currently listed by the Carver County tax assessor as having one story and four bedrooms in 2,318 square feet. The current listing states that the property is five bedrooms, three bathrooms, and 4,864 square feet—significantly larger than the County information provided.

A review of County aerial photography clearly shows the construction of the new aboveground pool pad, deck addition, and retaining wall and riprap noted in the field (Figures 3 and 4).



Figure 3. Carver County aerial images of 535 Lakota Lane (left taken April 15, 2015, and right taken November 21, 2020.).



Figure 4. Western view of 535 Lakota Lane (top image taken on April 24, 2018; bottom image taken on April 8, 2020.).



## Site Inspection

On May 5, 2022, Young Environmental staff visited 535 Lakota Lane to document site conditions. Prior to inspecting the property, staff noted that it appeared the occupant was home. Staff knocked on the door to talk to the homeowner, but no one answered the door. Staff then walked around the property and took photos to document the site conditions (Attachment 2). Staff observed the following:

1. Twelve roof, sump pump, or drain tile discharge points were identified coming from the house and discharging onto the property. Ten of these were discharged into the SSOD.
2. Extensive tree-clearing activities occurred downslope from the property.
3. Gravel and riprap were placed to create a level surface for the aboveground pool and held in place with a retaining wall.
4. Gravel was placed on the east hillside and side yard for RV parking.

## Rules Review

The District regulates land-disturbing activities that affect one acre or more under Rule B and create more than one acre of new impervious surfaces. The improvements appear to have disturbed less than one acre within the LMRWD boundary and resulted in approximately 3,700 square feet of new impervious surfaces, indicating that neither Rule B nor D apply. However, the total amount of disturbance will be confirmed by the City when an on-site survey is completed.

### 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 improvements appear to have been subject to this rule, given the amount of tree clearing and grading within the SSOD. Exemptions to Rule F exist for native plantings and removal of noxious, exotic, or invasive vegetation as well as for pruning of diseased or dead trees within the SSOD; however, the applicant must provide a rationale for the tree and vegetation clearing as well as the total area affected by their activities.

For work within the SSOD, the applicant must provide documentation that a qualified professional or professional engineer registered in the state of Minnesota has certified this area as suitable for the proposed activities, structures, or uses resulting from the construction. Because the homeowner appears to have completed most of the improvements, a professional must evaluate them to determine if the retaining walls, deck, pool pad, gravel, and riprap placement will be stable and not cause further erosion of the slope because no documentation has been provided.

Finally, staff identified 12 discharge points around the property during the site inspection, including 10 within the SSOD, which can create unstable slope conditions. Rule F explicitly states that land-disturbing activities may not result in any new water discharge points on the steep slopes or along the bluff. The homeowner must redirect these discharge points away from the SSOD.

### **Summary of Findings and Recommendations**

As per the inspection of the property conducted on May 5, 2022, the improvements do violate the LMRWD Rule F—Steep Slopes Rule and must be corrected with an after-the-fact permit. To address the permit violation, the staff recommends continued work with the City and the property owner to address the identified concerns and issue an after-the-fact permit.

We recommend drafting a letter to the property owner outlining the Rule F violation and required restoration or corrective actions. The letter will include a timeline for addressing the violation and required submittals, including the following:

1. Apply for an LMRWD Individual Permit, and pay the permit fee of \$750.
2. Provide documentation of the tree- and vegetation-clearing activities within the SSOD.
3. Provide an evaluation by a professional engineer that the slope can withstand the constructed improvements as is.
4. Redirect stormwater runoff from the house (roof and gutter as well as sump pump discharges) away from the SSOD.

If the property owner does not comply, then as the LMRWD's legal counsel recommends, the violation order would be served on the owner and recorded with the property title.

### **Attachments**

- Attachment 1 – City Review Memo
- Attachment 2 – Photos from May 5, 2022, site visit



**Attachment 1—City Review Memo**



# CITY OF CHANHASSEN

Chanhassen is a Community for Life - Providing for Today and Planning for Tomorrow

May 2, 2022

**2<sup>ND</sup> NOTICE**

ECO Real Estate Holdings LLC  
P.O. Box 1199  
Clark, CO 80428

Re: 535 Lakota Lane – Work Without Permit

Dear ECO Real Estate Holdings LLC:

On April 18, 2022 the City sent you a letter making you aware of several violations of City Code on your property and requesting that you work with staff to address these issues. To date, staff has not received a response this letter. Please provide staff with a timeline for submitting a survey of the property and addressing the other issues raised in the initial letter by **May 20, 2022**.

As a reminder, based on the information available and staffs' observations during a site visit on April 12, 2022, staff believes the following items will need to be addressed:

**Planning Department:**

- Probable encroachment into required bluff setback and impact zone
  - Deck addition
  - Retaining wall
  - Pool pad and above-ground pool
  - Grading and vegetation removal associated with limestone around pool pad
- As-built/updated survey needed to accurately depict current conditions on property and determine exact extent and nature of encroachment into the bluff setback and impact zone
- If survey shows alterations made within bluff setback and bluff impact zone, one of the following must be done:
  - Remove alterations and restore bluff area to pre-existing conditions
  - Request an after-the-fact variance
    - The City may not grant all or part of the requested variance
    - If elements of the variance request are not granted, they would need to be removed
    - If elements of the variance are granted, the City would impose conditions to mitigate the impact of the various elements

Questions about these requirements can be addressed to the City's Associate Planner, MacKenzie Young-Walters at 952-227-1132 or [mwalters@ci.chanhassen.mn.us](mailto:mwalters@ci.chanhassen.mn.us).

**Environmental Resources:**

- Tree removal within bluff. A survey of trees removed from bluff, including diameter and species will be needed.
  - Based on extent of removals, native trees will be required to be planted to restore the bluff to pre-removal conditions.

Questions about this requirement can be addressed to the City's Environmental Resource Specialist, Jill Sinclair at 952-227-1133 or [jsinclair@ci.chanhassen.mn.us](mailto:jsinclair@ci.chanhassen.mn.us).

**Water Resources Department:**

- A survey of the stormwater-related improvements including but not limited to the concrete apron and drain tile installation will be needed to understand the extent of the work completed. Additional stipulations may be required from the findings of the survey.
- The site must be permanently stabilized to prevent erosion and sediment transport. After completion of any work related to this letter the homeowner shall schedule an erosion control inspection with the City and address any issues from that inspection.

Questions about this requirement can be addressed to the City's Water Resources Engineer, Joe Seidl at 952-227-1168 or [jseidl@ci.chanhassen.mn.us](mailto:jseidl@ci.chanhassen.mn.us).

**Building Department:**

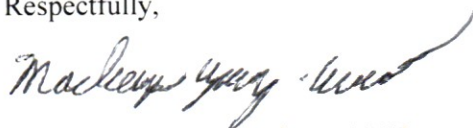
- Permits for the following exterior improvements need to be obtained:
  - Deck addition
  - New footings and railings on existing deck
  - Windows, exterior doors, garage overhead door
  - Porch converted into master bedroom

In addition to the permits needed for exterior improvements, permits are required for interior improvements that have been completed. We have several photos showing interior improvements and have received a list of 50 improvements that have been made to the property within the last three years. The list is included with this letter. Items on the list highlighted in green have been permitted and items in red were completed without permits. Please contact the Building Department to schedule an interior walkthrough of your property. Staff would ask that you or your representative accompany us for this process. Once staff walks through the property, we can begin to provide you with a path towards compliance with the Building Code.

To schedule a walkthrough of the property or if you have any questions about Building Code/permit requirements, please contact the City's Building Official, Eric Tessman at 952-227-1199 or [etessman@ci.chanhassen.mn.us](mailto:etessman@ci.chanhassen.mn.us).

Your cooperation in correcting these issues is appreciated.

Respectfully,



MacKenzie Young-Walters, AICP  
Associate Planner

cc: Eric Tessman, Building Official  
Jill Sinclair, Environmental Resources Specialist  
Joe Seidl, Water Resources Engineer



## List of Improvements in past 3 years

Building permit obtained

Building permit needed

Zoning permit needed

- New Roof, ice & water, roof vents, etc.
- All new windows (17) LoE high efficiency windows
- All new moldings, casing, baseboard, etc.
- All new subfloor on main level
- Main level ceiling removed; raised 6" and all new drywall
- All new blown in cellulose insulation in attic space
- All walls that were opened – closed cell spray foam insulated
- All new solid pine interior doors – 100% of the house
- New overhead garage door w. windows
- New fire door to garage
- New double glass French door at entry
- New footings on deck
- New laminate beams and posts added to support master suite over deck
- Screened in porch converted to massive master suite
- Added WC to master bath, completely gutted and added huge his/her shower, all heated ceramic tile, everything new.
- Added large master closet w. barn doors, custom – California style shelving and hangers
- Roughed in 220V for baseboard heat if needed in owner's suite addition, but has not been needed. Very efficient as it was all spray foamed.
- All 3 bathrooms completely renovated with new plumbing, custom tile work, vanities, flooring, etc.
- All new engineered hardwood and carpet on main level.
- All new cabinets, vanities, moldings, crown, custom wood wraps on HVAC duct work, beams, etc.
- Added walls to create 3<sup>rd</sup> bedroom on main level and closet.
- Added built in cabinets and butcher block top/entertainment center w. data conduit center in main level living room
- All new countertops (white granite in main kitchen, quartz in bathrooms, and butcher block in lower level kitchen).
- Wall removed separating dining area from kitchen; and custom island installed w. prep sink.
- All new plumbing w. pex supply lines, drain pipes, frost proof silcocks
- All new HVAC duct work, air supplies, and cold air returns (house was previously on electric baseboard heat)
- New high efficiency furnace
- Added New A.C. Condensing Unit and hook ups/plumbing
- New Water Heater

- New Washer & Dryer
- All new appliances in (2) kitchens
- Commercial style finish in laundry/hobby room with butcher block counter tops, custom sink, built in cabinets, etc.
- Added drain tile and sump pump in the basement (French drain style to sump basket).
- All new drywall in lower level ceiling.
- All new recessed lights and light fixtures throughout house
- All new paint throughout the interior and exterior
- Created mudroom off garage with custom bench and bead board coat hooks.
- Patching and skim coat of garage concrete floor, painted garage
- Added concrete apron w. drain for rainwater runoff
- Seal coated entire driveway
- Replaced roof, siding, door, and painted shed
- Graded, seeded, and repaired over 1/2 of front/side yard
- Installed underground electric dog fence around the entire perimeter of house and back yard, trenched in driveway.
- Added custom mulch and pruned all trees, extensive cleanup of over grown shrubs, etc. in yard
- Added a great RV parking space on east side of house w. limestone driveway and electric hookup
- Added custom concrete landscaping curbing around the entire house.
- New mulch
- \$52,000 retaining wall and deck addition to create a pad for pool/swim spa with an infinity feel overlooking the MN River Bluffs view. Completely drain tiled, compacted, 25 tons of limestone 8-12' rock on slope to prevent any erosion. 12" of compacted limestone class-5 rock on the actual pad pool pad.
- Added above ground pool w. filtration system and pump (in garage during the off season, but comes with the house)
- \$26,120 Completely new gravity fed Septic System fall of 2021 w. directional bore for drain field at lower elevation approximately 65' SW of house down the hill to leave room for an outbuilding just west of the house. All new tanks, drain field, etc.

**Attachment 2—Photos from May 5, 2022, site visit**



535 Lakota Lane – front of house (discharge points circled in yellow)





535 Lakota Lane – front of house (discharge points circled in yellow)





535 Lakota Lane – west side of house (discharge points circled in yellow)





535 Lakota Lane – west side of house (discharge points circled in yellow)





535 Lakota Lane – west side of house (discharge points circled in yellow)





535 Lakota Lane – south side of house, under existing deck





535 Lakota Lane – south side of house, under new deck





535 Lakota Lane – south side of house





535 Lakota Lane – south side of house





535 Lakota Lane – Close up of Point #11





535 Lakota Lane – south side of house





535 Lakota Lane – east side of house





535 Lakota Lane – east retaining walls





535 Lakota Lane – east side of house (discharge points circled in yellow)





535 Lakota Lane – south view from aboveground pool pad

