## Riley Purgatory Bluff Creek Watershed District Permit Application Review

Permit No: 2023-056
Considered at Board of Managers Meeting: October 4, 2023
Application Received complete: September 19, 2023
Applicant: Pulte Homes; Dean Lotter
Consultant: Alliant Engineering Inc., Seth Loken
Project: Kinsley development- The applicant proposes the demolition of an existing single-family home and the construction of 42 townhomes and associated infrastructure.
Location: 17325 Pioneer Trail, Eden Prairie, MN
Reviewer: Scott Sobiech, PE, Barr Engineering

## Proposed Board Action

Manager $\qquad$ moved and Manager $\qquad$ seconded adoption of the following resolutions based on the permit report that follows and the presentation of the matter at the October 4, 2023 meeting of the managers:

Resolved that the application for Permit 2023-056 is approved, subject to the conditions and stipulations set forth in the Recommendations section of the attached report;

Resolved that on determination by the RPBCWD administrator that the conditions of approval have been met, the RPBCWD president or administrator is authorized and directed to sign and deliver Permit 2023055 to the applicant on behalf of RPBCWD.

Upon vote, the resolutions were adopted, $\qquad$ [VOTE TALLY].

## Applicable Rule Conformance Summary

| Rule | Issue | Conforms to RPBCWD Rules? | Comments |  |
| :---: | :--- | :--- | :--- | :--- |
| C | Erosion Control <br> Plan | See Comment | See rule-specific permit condition C1 <br> related to name of individual <br> responsible for on-site erosion <br> control. |  |
| J | Stormwater <br> Management | Rate | Yes |  |
|  |  | Volume | See <br> comment. | See rule-specific stipulation 6 related <br> to in-situ infiltration testing. |
|  |  | Water Quality | Yes |  |
|  |  | Low Floor Elev. | Yes |  |
|  | Maintenance | See <br> comment. | See rule-specific permit condition J1 <br> related to recordation of stormwater <br> facility maintenance declaration. |  |


| Rule | Issue | Conforms to RPBCWD Rules? |  |  |
| :---: | :--- | :--- | :--- | :--- |
|  |  | Chloride <br> Management | Yes | Comments |
|  |  | Wetland Protection | NA |  |
| L | Permit Fee Deposit | Yes | $\$ 3,220$ received August 24, 2023. As <br> of September 26, 2023 the amount <br> due is $\$ 1,756$. |  |
| M | Financial <br> Assurances | See Comment | The financial assurance is calculated <br> at $\$ 129,723$. |  |

## Project Description

The applicant proposes the subdivision of an existing single-family home parcel into a 42-lot townhome development with associated sewer and utilities. The project also includes the removal of an existing home and driveway. The applicant proposes an infiltration basin, two underground infiltration systems, and two infiltration trenches to provide volume control, water quality, and rate control.

There are three medium-value wetlands onsite that the city of Eden Prairie, the local governmental unit responsible for administering the Wetland Conservation Act, is allowing to be filled because the 234 square feet filled is less than the applicable de minimis exception (1,000 square feet). Because wetlands will no longer exist on the site post-development, Rule D imposes no wetland buffer requirements on the project. Because these three wetlands are on slopes, they do not exhibit natural banks required meet the water basin definition or an enclosed natural depression with definable banks required to be a waterbody and they do not provide flood storage, Rule B does not apply to wetlands.

The project site information is summarized below:

| Project Site Information | Area (acres) |
| :--- | :---: |
| Total Site Area | 6.14 |
| Existing Site Impervious | 0.55 |
| Proposed Site Impervious Area | 2.76 |
| Change in Site Impervious Area | 2.21 (>100\% increase) |
| Disturbed Impervious Area | 0.55 (100\% disturbed) |
| Total Disturbed Area | 5.07 |

## Exhibits:

1. Permit Application received August 18, 2023 (The applicant was notified on September 8, 2023 that the submittal was incomplete; materials completing the application were received on September 18, 2023)
2. Stormwater Management Study dated June 29, 2023 (revised September 18, 2023)
3. Construction Plan Set dated June 29, 2023 (revised September 18, 2023)
4. Existing and proposed conditions HydroCAD model received August 18, 2023 (revised September 18, 2023)

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5. Existing and proposed conditions MIDS model received September 18, 2023
6. Wetland Delineation report dated May 16, 2023 (including MnRAMs)
7. Minnesota Wetland Conservation Act Notice of Decision for the exemption dated July 17, 2023
8. Geotechnical Evaluation Report dated September 12, 2023
9. Cost Estimate received September 18, 2023

## Rule Specific Permit Conditions

## Rule C: Erosion and Sediment Control

Because the project will alter 5.07 acres of land-surface area, the project must conform to the requirements in the RPBCWD Erosion and Sediment Control rule (Rule C, Subsection 2.1).

The erosion control plan prepared by Campion Engineering Service Inc. includes installation of silt fence perimeter control, rock construction entrance, inlet protection, weekly inspection, placement of a minimum of 6 inches of topsoil with 5 percent organic content, decompaction of areas compacted during construction, and retention of native topsoil onsite. To conform to the RPBCWD Rule C requirements the following revisions are needed:

C1. The Applicant must provide the name and contact information of the individual responsible for erosion control at the site. RPBCWD must be notified if the responsible individual changes during the permit term.

## Rule J: Stormwater Management

Because the project will disturb 5.07 acres of land-surface area, the project must meet the criteria of RPBCWD's Stormwater Management rule (Rule J, Subsection 2.1). The criteria listed in Subsection 3.1 will apply to the entire project site and all impervious area because the project will disturb $100 \%$ of the existing impervious surface and will increase the imperviousness of the entire site by $100 \%$ percent (i.e., more than 50 percent; Rule J, Subsection 2.3). The applicant proposes an infiltration basin, two underground infiltration systems, and two infiltration trenches to provide volume control, water quality, and rate control.

## Rate Control

In order to meet the rate control criteria listed in Subsection 3.1.a, the 2-, 10-, and 100-year post development peak runoff rates must be equal to or less than the existing discharge rates at all locations where stormwater leaves the site. The Applicant used a HydroCAD hydrologic model to simulate runoff rates for pre- and post-development conditions for the 2-, 10-, and 100-year frequency storm events using a nested rainfall distribution, and a 100-year frequency, 10-day snowmelt event. The existing and proposed $2-10$-, and 100-year frequency discharges from the site are summarized in the table below.

| Modeled Discharge Location | 2-Year Discharge <br> (cfs) |  | 10-Year <br> Discharge (cfs) |  | 100-Year <br> Discharge (cfs) |  | 10-Day Snowmelt <br> (cfs) |  |
| :--- | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
|  | Ex | Prop | Ex | Prop | Ex | Prop | Ex | Prop |
| NE Corner | 1.2 | 1.2 | 2.2 | 1.9 | 4.5 | 3.7 | 0.1 | $<0.1$ |
| Existing CB | 6.0 | 4.6 | 12.1 | 7.0 | 28.0 | 9.1 | 0.7 | 0.4 |
| SE Corner | 3.0 | 2.5 | 6.4 | 4.3 | 13.7 | 8.3 | 0.4 | 0.2 |
| Existing Pond | 42.6 | 35.9 | 82.5 | 75.8 | 177.9 | 167.0 | 4.4 | 4.2 |

The proposed stormwater management plan will provide rate control in compliance with the RPBCWD requirements for the $2-10$-, and 100-year events. Thus, the proposed project meets the rate control requirements in Rule J, Subsection 3.1a.

## Volume Abstraction

Subsection 3.1.b of Rule J requires the abstraction onsite of 1.1 inches of runoff from all regulated impervious surface within the parcel. An abstraction volume of 11,020 cubic feet is required from the 2.76 acres ( 120,226 square feet) of regulated impervious area within the project site. Plans indicate pretreatment for runoff entering the infiltration facilities is provided by vegetated yards and sump manholes, thus the proposed project conforms with RPBCWD Rule J, Subsection 3.1b.1.

Eight soil borings in the Geotechnical Evaluation Report by Bruan Intertec dated September 12, 2023, indicate the site is predominately a lean clay over a poorly graded sands. Groundwater was not encountered at the bottom of the borings. The subsurface investigation information summarized in the table below shows that groundwater is at least 3 feet below the bottom of the proposed infiltration basin (Rule J, Subsection 3.1.b.2.a). ). Because the geotechnical report does not contain soil borings or test pits at all the proposed stormwater facilities, additional subsurface investigation is needed to confirm adequate separation to groundwater.

| Proposed BMP | Boring <br> ID | Boring is within <br> footprint? | Groundwater Elevation <br> (feet) | BMP Bottom <br> Elevation (feet) | Separation <br> (feet) |
| :---: | :---: | :---: | :---: | :---: | :---: |
| Infiltration Basin | ST-5 | Yes | No groundwater observed <br> at bottom of boring (883.5) | 895.0 | 11.5 |
| SE Infiltration <br> Trench | ST-101 | Yes | No groundwater observed <br> at bottom of boring (885.5) | 899.5 | 14.0 |
| Valley Road <br> Underground <br> Stormwater Facility | ST-102 | No | No groundwater observed <br> at bottom of boring (873.7) | 885.7 | 12.0 |


| Proposed BMP | Boring <br> ID | Boring is within <br> footprint? | Groundwater Elevation <br> (feet) | BMP Bottom <br> Elevation (feet) | Separation <br> (feet) |
| :---: | :---: | :---: | :---: | :---: | :---: |
| East Infiltration <br> Trench | ST-4 | No | No groundwater observed <br> at bottom of boring (881.8) | 897.0 | 15.2 |
| North Underground <br> Stormwater Facility | ST-1 | No | No groundwater observed <br> at bottom of boring (877.9) | 888.3 | 10.4 |

Based on the presence of poorly graded sand below a layer of clay, the applicant proposes to excavate the clay material and backfill with sand to yield a design infiltration rate of $0.2 \mathrm{in} / \mathrm{hr}-0.8 \mathrm{in} / \mathrm{hr}$ beneath the five infiltration stormwater management facilities based on the Minnesota Pollution Control Agency's recommended design infiltration rates for the underlying soils. The engineer finds that under these presumed design infiltration rates, the infiltration stormwater management facilities will draw down within 48 hours (Rule J, subsection 3.1biii). The geotechnical report does not contain infiltration or hydraulic conductivity testing results at any of the infiltration stormwater management facilities as required by Rule $J$, subsection 3.1.b.ii.C. To confirm the design presumptions and ensure the applicant has incorporated abstraction in accordance with Rule J, subsection 3.1.b, supporting information in the form of infiltration or hydraulic conductivity testing at the proposed infiltration stormwater management facilities must be provided before the proposed BMPs are constructed. If infiltration capacity is less than needed to meet the volume abstraction requirement in subsection 3.1.b for the proposed infiltration stormwater management facilities or there is less than three feet of separation to groundwater, design modifications to achieve compliance with RPBCWD requirements will need to be submitted (in the form of an application for a permit modification or new permit).

The table below summarizes the volume abstraction for the site.

| Required <br> Abstraction <br> Depth <br> (inches) | Required <br> Abstraction <br> Volume <br> (cubic feet) | Provided <br> Abstraction <br> Depth <br> (inches) | Provided <br> Abstraction <br> Volume <br> (cubic feet) |
| :---: | :---: | :---: | :---: |
| 1.1 | 11,020 | 1.2 | 11,922 |

With the conditions noted above, the engineer concurs with the submitted information and finds that the proposed project will conform with Rule J, Subsection 3.1.b.

## Water Quality Management

Subsection 3.1.c of Rule J requires the Applicant to provide volume abstraction in accordance with 3.1b or least 60 percent annual removal efficiency for total phosphorus (TP), and at least 90 percent annual removal efficiency for total suspended solids (TSS) from site runoff, and no net increase in TSS or TP loading leaving the site from existing conditions. The applicant has demonstrated and the engineer concurs that the volume abstraction is provided in accordance with 3.1b.

## Low floor Elevation

All new buildings must be constructed such that the lowest floor is at least two feet above the 100-year high water elevation or one foot above the emergency overflow of a stormwater-management facility according to Rule J, Subsection 3.6a. In addition, a stormwater-management facility must be constructed at an elevation that ensures that no adjacent habitable building will be brought into noncompliance with this requirement according to Rule J, Subsection 3.6b.

The low floor elevation of the proposed structures and the 100-year high water elevation of the infiltration stormwater management facilities are summarized below. Because the low floor elevations of the proposed structures are more than two feet above the 100-year high water elevation of the adjacent stormwater facility in each case, the proposed project is in conformance with Rule J, Subsection 3.6.

| Lot Riparian to <br> Stormwater <br> Facility | Low Floor <br> Elevation of <br> Building <br> (feet) | 100 -year Event Flood <br> Elevation Of Infiltration <br> Stormwater Management <br> Facilities (feet) | Freeboard <br> provided <br> (feet) |
| :---: | :---: | :---: | :---: |
| Lots 1-14 | 903.7 | 900.59 | 3.11 |
| Lots 15-20 | 902.8 | 895.46 | 7.34 |
| Lots 21-26 | 902.7 | 895.46 | 7.24 |
| Lots 27-30 | 902.7 | 898.06 | 4.64 |
| Lots 31-36 | 903.4 | 898.06 | 5.34 |
| Lots 37-42 | 903.4 | 900.03 | 3.01 |

## Maintenance

Subsection 3.7 of Rule J requires the submission of a maintenance plan. All stormwater management structures and facilities must be designed for maintenance access and properly maintained in perpetuity to assure that they continue to function as designed.

J1. Permit applicant must provide a receipt of recordation of a maintenance and inspection declaration. A maintenance declaration template is available on the permits page of the RPBCWD website. (http://www.rpbcwd.org/permits/). A draft declaration must be provided for District review and approval prior to recording.

## Chloride Management

Subsection 3.8 of Rule J requires the submission of chloride management plan that designates the individual authorized to implement the chloride management plan and the MPCA-certified salt applicator engaged in implementing the plan, except that the chloride-management plan for a residential subdivision need not encompass the single-family home properties within the subdivision. Because the streets within the proposed residential development will be dedicated to and maintained by the City of Eden Prairie and the city has provided its chloride management plan and its designated state-certified chloride applicator is Eden Prairie's Streets Division Manager Larry Doig, the proposed development conforms with Rule J, subsection 3.8.

## Wetland Protection

Because runoff from the site discharges off-site to storm water ponds Rule J, subsection 3.10 imposes no requirements on the project.

## Rule L: Permit Fee Deposit:

The RPBCWD permit fee schedule adopted in February 2020 requires permit applicants to deposit $\$ 3,000$ to be held in escrow and applied to cover the $\$ 10$ permit-processing fee and reimburse RPBCWD for permit review and inspection-related costs and when a permit application is approved, the deposit must be replenished to the applicable deposit amount by the applicant before the permit will be issued to cover actual costs incurred to monitor compliance with permit conditions and the RPBCWD Rules. A permit fee deposit of $\$ 3,220$ was received on August 24,2022 . . The applicant must replenish the permit fee deposit to the original amount due before the permit will be issued. Subsequently, if the costs of review, administration, inspections and closeout-related or other regulatory activities exceed the fee deposit amount, the applicant will be required to replenish the deposit to the original amount or such lesser amount as the RPBCWD administrator deems sufficient within 30 days of receiving notice that such deposit is due. The administrator will close out the relevant application or permit and revoke prior approvals, if any, if the permit-fee deposit is not timely replenished.

L1. The applicant must replenish the permit fee deposit to the original amount due before the permit will be issued. As of September 26, 2023 the amount due is $\$ 1,756$.

## Rule M: Financial Assurance:

|  | Unit | Unit Cost | \# of Units | Total |
| :--- | ---: | ---: | ---: | ---: |
| Rule C: Erosion Control |  |  |  |  |
| Silt Fence | LF | $\$ 2.50$ | 3,656 | $\$ 9,140$ |
| Inlet Protection | EA | $\$ 100$ | 24 | $\$ 2,400$ |
| Rock Entrance | EA | $\$ 250$ | 1 | $\$ 250$ |
| Restoration of disturbance | Ac | $\$ 2,500$ | 5.07 | $\$ 12,675$ |
| Rule J: Stormwater Management <br> Infiltration basin: <br> $125 \%$ of engineer's opinion of cost (\$74,772) | EA | $125 \%$ OPC | 1 | $\$ 93,465$ |
| Contingency (10\%) |  |  |  |  |
| Total Financial Assurance |  |  | $10 \%$ |  |

## Applicable General Requirements:

1. The RPBCWD Administrator and Engineer shall be notified at least three days prior to commencement of work.
2. Construction must be consistent with the plans, specifications, and models that were submitted by the applicant that were the basis of permit approval. The date(s) of the approved plans, specifications, and modeling are listed on the permit. The grant of the permit does not in any way
relieve the permittee, its engineer, or other professional consultants of responsibility for the permitted work.
3. The grant of the permit does not relieve the permittee of any responsibility to obtain approval of any other regulatory body with authority.
4. The issuance of this permit does not convey any rights to either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.
5. In all cases where the doing by the permittee of anything authorized by this permit involves 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 or interests, the permittee, before proceeding therewith, must acquire all necessary property rights and interest.
6. RPBCWD's determination to issue this permit was made in reliance on the information provided by the applicant. Any substantive change in the work affecting the nature and extent of applicability of RPBCWD regulatory requirements or substantive changes in the methods or means of compliance with RPBCWD regulatory requirements must be the subject of an application for a permit modification to the RPBCWD.
7. If the conditions herein are met and the permit is issued by RPBCWD, the applicant, by accepting the permit, grants access to the site of the work at all reasonable times during and after construction to authorized representatives of the RPBCWD for inspection of the work.

## Findings

1. The proposed project includes the information necessary, plan sheets and erosion control plan for review.
2. The proposed project will conform to Rule C and J if the Rule Specific Permit Conditions listed above are met.

## Recommendation:

Approval of the permit contingent upon:

1. Financial Assurance in the amount of $\$ 129,723$.
2. Applicant providing the name and contact information of the individual responsible for erosion and sediment control at the site during construction.
3. Receipt of recordation of a maintenance declaration for the operation and maintenance the stormwater management facilities. Drafts of all documents to be recorded must be reviewed and approved by the District prior to recordation and proof of recordation must be provided to RPBCWD.
4. The applicant must replenish the permit fee deposit to the original amount due before the permit will be issued. As of September 26, 2023 the amount due is $\$ 1,756$.

By accepting the permit, when issued, the applicant agrees to the following stipulations:

1. Continued compliance with General Requirements
2. Per Rule J Subsection 4.5, upon completion of the site work, the permittee must submit as-built drawings demonstrating that at the time of final stabilization, all the stormwater facilities conform to design specifications and function as intended and approved by the District. As-built/record drawings must be signed by a professional engineer licensed in Minnesota and include, but not limited to:
a. the surveyed bottom elevations, water levels, and general topography of all facilities;
b. the size, type, and surveyed invert elevations of all stormwater facility inlets and outlets;
c. the surveyed elevations of all emergency overflows including stormwater facility, street, and other;
3. Providing the following additional close-out materials:
a. Documentation that disturbed pervious areas remaining pervious have been decompacted per Rule C.2c criteria
4. The work on the Kinsley development under the terms of permit 2023-056, if issued, must have an impervious surface area and configuration materially consistent with the approved plans. Design that differs materially from the approved plans (e.g., in terms of total impervious area) will need to be the subject of a request for a permit modification or new permit, which will be subject to review for compliance with all applicable regulatory requirements.
5. The applicant must submit documentation verifying the infiltration capacity of the soils in the infiltration stormwater management facility and that the volume control capacity is calculated using the measured infiltration rate. If infiltration capacity is less than needed to conform with the volume abstraction requirement in subsection 3.1.b or there is less than 3 feet of separation to groundwater from the bottom of the facility or redoximorphic soils, design modifications to achieve compliance with RPBCWD requirements will need to be submitted (in the form of an application for a permit modification or new permit).
6. Replenish the permit fee deposit to the original amount or such lesser amount as the RPBCWD administrator determines sufficient within 45 days of receiving notice that such deposit is due in order to cover continued actual costs incurred to monitor compliance with permit conditions and the RPBCWD Rules.


























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 EROSION ConTROLGEEAL NOTES

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| WETLAND SUMMARY: |  |
| :---: | :---: |
| wetiano ID: wethand rating: | WETLAND <br> MEDIUM (PER RPBCWD) <br> LOW (PER CITY OF EDEN PRAIRIE) |
| WETAND AREA*: | 0.005 AC (234 SF) |
| Wetland impact: | 0.005 AC (234 SF) |
| wettano lmits depicted are from the uppateo wetand revew which WAS COMPLEEED AT THE START OF THE 2023 CROWNG SEASON. |  |
| LEGEND: |  |
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