

## Riley-Purgatory-Bluff Creek Watershed District Permit Application Review

**Permit No:** 2022-037

**Received complete:** August 18, 2022

**Considered at Board of Manager's Meeting:** November 2, 2022 (RPBCWD extended the permit review timeline on October 5, 2022 by 60 days pursuant to Minnesota Statutes section 15.99)

**Applicant:** City of Chanhassen, Joe Seidl

**Consultant:** WSB, Bill Alms

**Project:** The applicant proposes to remove approximately 184 cubic yards of sediment from a stormwater pond to restore treatment capacity of the pond (which is not a public water). The city also plans to restore the outlet from the pond to the original as-built condition including the outfall into an on-site wetland to maintain stormwater drainage.

**Location:** Chanhassen, Minnesota 55317

**Reviewer:** Scott Sobiech, PE Barr Engineering

### Proposed Board Action

Manager \_\_\_\_\_ moved and Manager \_\_\_\_\_ seconded adoption of the following resolutions based on the permit report that follows and the presentation of the matter at the November, 2022 meeting of the managers:

Resolved that the application for Permit 2022-037 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 of the variances and permit have been affirmatively resolved, the RPBCWD president or administrator is authorized and directed to sign and deliver to the applicant, Permit 2022-037 on behalf of RPBCWD.

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

**Applicable Rule Conformance Summary**

Rule	Issue	Conforms to RPBCWD Rules?	Comments
A	Procedural Requirements	See Comment	See rule-specific permit condition A1 related to demonstrating permission to work on private property.
B	Floodplain Management and Drainage Alterations	Yes	
C	Erosion Control Plan	See Comment	See rule-specific permit condition C1 related to providing name and contact information for the individual responsible for erosion control.
D	Wetland and Creek Buffers	See Comment	See rule-specific permit condition D1 related to additional buffer sign and maintenance agreement execution
L	Permit Fees	NA	Governmental Agency
M	Financial Assurances	NA	Governmental Agency

**Project Description**

The City of Chanhassen proposes to remove approximately 184 cubic yards of sediment from a stormwater pond to restore treatment capacity of the pond (which is not a public water). The city also plans to restore the outlet from the pond to the original as-built condition including the outfall discharging into an on-site wetland to maintain stormwater drainage. Because the outfall does not disturb the bed or bank of the wetland, Rule G does not impose requirements on the project. The contractor will be accessing the site by traversing the on-site wetland located southeast of the intersection of Lake Lucy Road and Harrison Lake Road. The majority of the work will occur on city-owned property, and within existing drainage and utility easements on private property surrounding the pond and the wetland. A small portion of the work is proposed on private property, a portion of which the city does not have an existing easement.

The project site information is summarized in the following table.

	Project Total
Existing Site Impervious (acres)	0
Existing Impervious Area Disturbed (acres)	0
New (Increase) in Site Impervious Area (acres)	0
Proposed Impervious Area (acres)	0
Excavation (cubic yards)	184
Total Disturbed Area (acres)	0.32

The following materials were reviewed in support of the permit request:

1. Permit application received April 22, 2022. (Incomplete notice was sent on May 10, 2022; materials submitted to complete application on August 18, 2022, RPBCWD extended the permit review time by 60 days on October 5, 2022)
2. Project Narrative dated April 22, 2022
3. Project plans received April 22, 2022 (revised August 18, 2022, October 26, 2022).
4. Cut/Fill computations received April 22, 2022 (revised August 18, 2022, October 26, 2022).
5. Hydrologic and hydraulic modeling report received April 22, 2022 (revised August 18, 2022 – existing and proposed conditions)
6. MNRAM wetland classification received April 22, 2022
7. Desktop wetland delineation map received April 22, 2022
8. Wetland buffer map received October 26, 2022
9. City of Chanhassen standard riprap detail received August 18, 2022
10. As-built drawing of the existing pond received August 18, 2022
11. USACE June 27, 2022 letter indicating no application or notification to the St. Paul District Corps of Engineers is required for the project

#### **Rule A: Procedural Requirements**

The work is proposed on city owned property, within a drainage and utility easement on a single-family residential parcels, and extends onto the adjacent private property, for which access and use rights are pending. To conform to RPBCWD Rule A requirements, the following revisions are needed:

- A1. A complete permit application includes authorization by all relevant property owners (Rule A, Subsection 2.3). Please provide written documentation demonstrating acquisition of the remaining necessary property rights to perform the proposed work on private property.

#### **Rule B: Floodplain Management and Drainage Alterations**

Because the project will involve the alteration of surface flows and fill in the floodplain below the 100-year flood elevation of the pond (elevation 978.16 feet) and the downstream wetland (elevation 976.26 feet), the project must conform to the requirements set forth by the RPBCWD Floodplain Management and Drainage Alterations rule (Rule B, Subsection 2.2). The proposed work will also restore the outlet elevation of a stormwater pond.

Rule B, Subsections 3.1 and 3.4 do not impose requirements on the work because no buildings will be constructed or reconstructed as part of the project, and the no impervious surface will be created or re-created within 50 feet of a watercourse.

The work will involve placing 41.7 cubic yards of fill and 197.3 cubic yards of compensatory storage below the flood elevation of the pond. The work will also involve placing 6.5 cubic yards of fill and 6.8

cubic yard of compensatory storage below the flood elevation of the downgradient wetland, but outside the delineated area of the wetland. The project meets the requirements for compensatory storage for any fill placed in the floodplain at or below the same elevation by providing a net increase in storage of 155.6 cubic yards in the stormwater pond and 0.3 cubic yards in the floodplain of the wetland, thus conforming with Rule B, Subsection 3.2.

Because the applicant has demonstrated with HydroCAD modeling and the engineer concurs that the project will preserve the existing 100-year flood level and discharge leaving the pond, the project will not alter surface flows, complying with subsection 3.3. Because the work will increase the storage volume in the pond, the rehabilitation will improve water quality treatment performance of the pond. Because HydroCAD modeling indicates the velocities of the surface flows leaving the pond will not be impacted by the proposed work, the alteration is not reasonably likely to adversely impact on basin or channel stability. In addition, the outlet elevation will be unchanged relative to existing conditions, thus maintaining base flows leaving the pond. The applicant included erosion control measures on the site drawing to comply with subsection 3.5. The information on the plan sheet includes a note indicating that activities must be conducted to minimize the potential transfer of aquatic invasive species conforming to Rule B, Subsection 3.6.

The RPBCWD Engineer concurs that the proposed project conforms to the floodplain management and drainage alteration requirements of Rule B.

### **Rule C: Erosion and Sediment Control**

Because the applicant proposes 0.32 acres of land-disturbing activities, the project must conform to the requirements in the RPBCWD Erosion Prevention and Sediment Control rule (Rule C, Subsection 2.1).

The plans, including erosion control measures, prepared by WSB include installation of stabilized construction entrance, sediment control log, floating silt curtain, placement of a minimum of 6 inches of topsoil in upland areas along access and associated with the culvert replacement, decompaction of pervious areas compacted during construction prior to topsoil placement, 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, address and phone number of the individual who will remain liable to the District for performance under this rule and maintenance of erosion and sediment-control measures from the time the permitted activities commence until vegetative cover is established.

### Rule D: Wetland and Creek Buffers

Because the proposed work triggers RPBCWD Rule B, subsection 2.1a requires the applicant to establish buffer areas. Because the activities constitute land-disturbing activities upgradient of the wetland, wetland buffer must be provided along the portion of the wetland downgradient from the disturbance and on the property owned by the applicant (Rule D, subsection 3.1b). No work in the wetland itself is proposed.

The MnRAM analysis indicates the wetland is a high value wetland. Rule D, Subsection 3.2.a.ii requires wetland buffer with an average of 60 feet from the delineated edge of the wetland, minimum 30 feet. Per Rule D, subsection 3.2b, the buffer must encompass all or part of a slope averaging 18% or greater. Because the buffer area extends to the top of slopes that average steeper than 18% or to the extent that the city has property rights to install the buffers on the project property, the project conforms to Rule B, subsection 3.2b. The provided buffer width (90 feet) to conform to the steep slopes provision (Rule B, subsection 3.2b, 3.2c and 3.2f) is greater than the required average buffer width to conform to Rule D, subsection 3.2.b.ii, indicating that both requirements are met.

#### Wetland buffer summary

RPBCWD Wetland Value	Required Minimum Width (ft)	Required Average Width (ft)	Required Area (sq ft)	Provided Area (sq ft)	Provided Minimum Width (ft)	Provided Average Width (ft)
High	30	60	10,438	12,331	60	70.9

The plans require revegetating disturbed areas within the proposed buffer with native vegetation, thus conforming to Rule D, Subsection 3.3. A note is included on the plan sheet indicating the project will be constructed so as to minimize the potential transfer of aquatic invasive species (e.g., zebra mussels, Eurasian watermilfoil, etc.) to the maximum extent possible conforming to Rule D, Subsection 3.6.

The applicant submitted a draft maintenance agreement per Subsection 3.5 of Rule D for review by RPBCWD. The following revisions are needed to conform to the RPBCWD Rule D:

- D1. Buffer areas and maintenance requirements must be documented in an agreement submitted in draft for form approval by RPBCWD. The agreement must include an exhibit clearly showing the buffer area and monument locations.

### Rule E, Dredging and Sediment Removal

Because the project does not involve removal of material from a public water, Rule E does not impose requirements on the project (Rule E, subsection 2.1c).

### **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 above and on the permit.
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 Rules A, C, and D if the Rule Specific Permit Conditions listed above are met.
3. The proposed project conforms to Rules B.

### **Recommendation:**

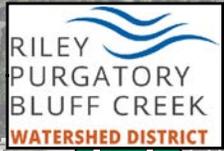
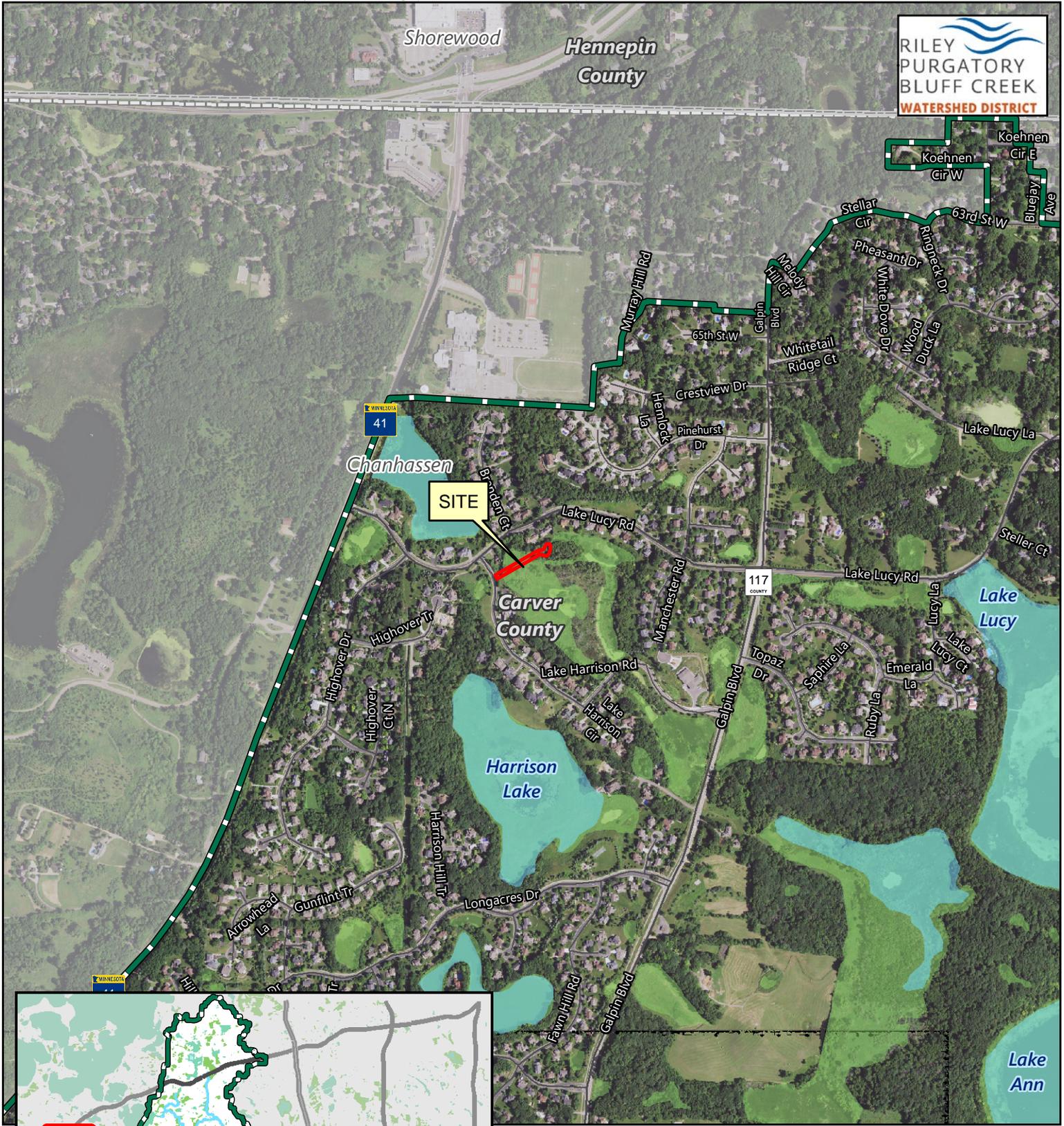
The engineer recommends approval of the permit, contingent upon:

1. The applicant providing written documentation demonstrating the necessary property rights and permissions to perform the proposed work on private property.

2. Permit applicant must provide the name and contact information of the general contractor responsible for the site. RPBCWD must be notified if the responsible party changes during the permit term.
3. Buffer areas and maintenance requirements must be documented in an agreement submitted in draft form for review and approval by RPBCWD. The agreement must include an exhibit clearly showing the buffer area and monument locations.

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

1. Continued compliance with General Requirements.



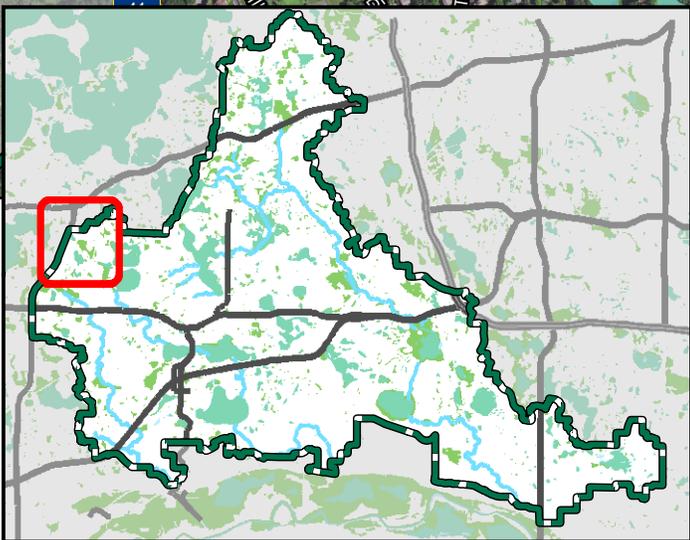
**SITE**

**Carver County**

**Harrison Lake**

**Lake Lucy**

**Lake Ann**



Permit Location Map



Feet



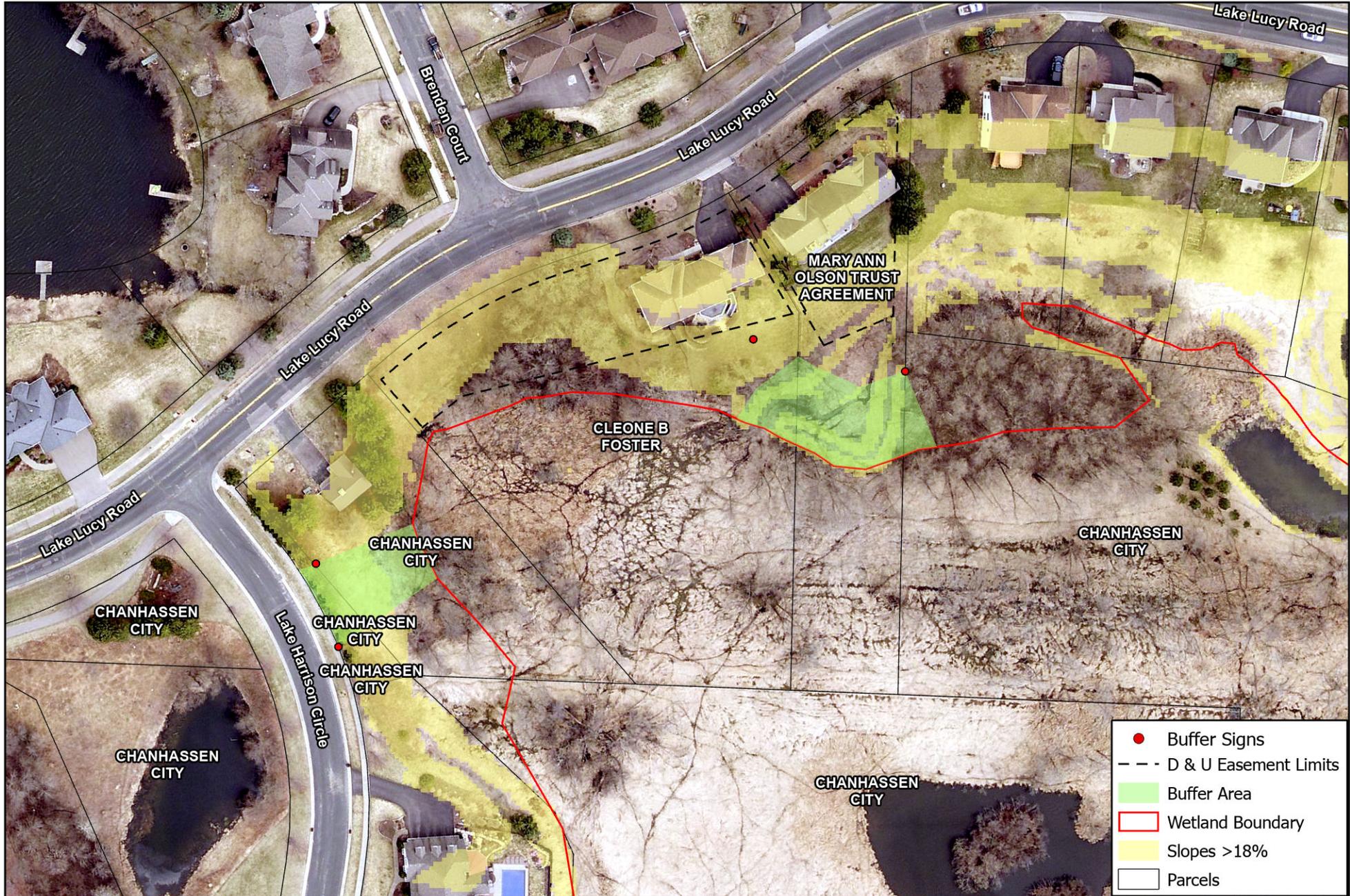
CITY OF CHANHASSEN MILL AND OVERLAY AND ADA IMPROVEMENTS PROJECT  
**Permit 2022-037**  
 Riley Purgatory Bluff Creek Watershed District



ACCESS ROUTE SHALL BE ESTABLISHED WITH COMPOSITE MATTING CAPABLE OF SUPPORTING ALL NECESSARY CONSTRUCTION EQUIPMENT, AND SHALL BE REMOVED AND RESTORED TO ORIGINAL CONDITION DETERMINED BY ENGINEER IN FIELD.

INSTALL WETLAND BUFFER SIGN  
 60' WETLAND BUFFER  
 2275 LAKE LUCY RD  
 2237 LAKE LUCY RD  
 2249 LAKE LUCY RD  
 CITY OF CHANHASSEN  
 60' WETLAND BUFFER  
 REMOVE EXISTING 30" RCP FEES  
 INSTALL NEW 30" RCP FEES  
 INV: 975.75 (SW)  
 10' MIN. BUFFER  
 (GRANULAR FILTER AND GEOTEXTILE FABRIC PER DETAIL PLATE NO. 3107, INCIDENTAL) THE NEW FEES TO EXISTING PIPE  
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- Buffer Signs
- - - D & U Easement Limits
- Buffer Area
- ▭ Wetland Boundary
- Slopes >18%
- ▭ Parcels



**Wetland Buffer Map**  
 Lake Lucy Road Improvement Project  
 City of Chanhassen

