

18681 Lake Drive East Chanhassen, MN 55317 952-607-6512 www.rpbcwd.org

Riley Purgatory Bluff Creek Watershed District Permit Application Review

Permit No: 2021-089

Considered at Board of Managers Meeting: March 2, 2022

Received complete: February 16, 2022

Applicant: Nor-Son Inc, Andy Anderson **Representative:** Nor-Son Inc, Mark Strelnieks

Project: Nor-Son Office Development - The applicant proposes the redevelopment of an existing

parking lot into a new office building with associated parking, utilities, and landscaping. The project includes an infiltration basin and underground stormwater infiltration system to

provide volume control, water quality, and rate control.

Location: 7544 Market Place Drive, Eden Prairie, Minnesota 55344

Reviewer: Scott Sobiech, PE; Barr Engineering Co.

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| 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 March 2, 2022 meeting of the managers: | |
| Resolved that the application for Permit 2021-082 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 permit have been affirmatively resolved, the RPBCWD president or administrator is authorized and directed to sign and deliver Permit 2021-082 to the applicant on behalf of RPBCWD. | |
| Upon vote, the resolutions were adopted, [VOTE TALLY]. | |

Applicable Rule Conformance Summary

| Rule | | Issue | Conforms to RBPCWD Rules? | Comments |
|------|-----------------|---------------------|---------------------------|---|
| С | Erosion Contro | osion Control Plan | | See rule-specific permit condition C1 related to name of individual responsible for on-site erosion control. |
| J | Stormwater | Rate | Yes | |
| | Management | Volume | See Comment | See stipulation 5 related to verifying the abstraction capacity of the stormwater facility using a measured infiltration rate and rule-specific permit condition J1 related to design revision to route all site impervious area to an abstraction BMP. |
| | | Water Quality | Yes | |
| | | Low Floor Elev. | Yes | |
| | | Maintenance | See Comment | See rule-specific permit condition J2 related to recordation of stormwater facility maintenance declaration. |
| | | Chloride Management | See Comment | See stipulation 4 related to providing a chloride management plan prior to project close-out. |
| | | Wetland Protection | Yes | |
| L | Permit Fee Dep | oosit | Yes | \$3,000 deposit fee received January 10, 2022. |
| M | Financial Assur | ance | See Comment | The financial assurance is calculated at \$232,233. |

Background

The applicant proposes the redevelopment of an existing parking lot into a new office building with associated parking, utilities, and landscaping. The project includes an infiltration basin and underground stormwater infiltration system to provide volume control, water quality, and rate control. The project site information is summarized in Table 1.

While there are no on-site or adjacent Wetland Conservation Act (WCA) protected wetlands for which wetland buffers would be required, the treated runoff leaving the site from the infiltration basin is conveyed via storm sewer directly to an off-site wetland.

Table 1. Project site information

| Site Information | Project Area |
|---|-----------------|
| Total Site Area (acres) | 1.67 |
| Existing Site Impervious Area (acres) | 1.15 |
| Disturbed Impervious Area (acres) | 0.83 (72.2%) |
| Post Construction Site Impervious (acres) | 0.96 |
| Change in Site Impervious Area (acres) | -0.19 |
| Total Disturbed Area (acres) | 1.52 |

Exhibits:

- 1. Permit application received on December 21, 2021 with associated permit fee received on January 10, 2022. (Incomplete notice was sent on January 6, 2022; materials submitted to complete application on February 16, 2022)
- 2. Stormwater Management Report dated December 9, 2021 (revised February 8, 2022)
- 3. Project Plan Set (10 sheets) dated December 21, 2021 (revised February 8, 2022)
- 4. Review Comments dated January 6, 2022
- 5. Review Comments Applicant Response email sent February 8, 2022
- 6. Existing and Proposed HydroCAD Models received January 6, 2022 (resubmitted February 16, 2022)
- 7. P8 excel files received January 6, 2022 (resubmitted February 16, 2022)
- 8. Estimate of Probable Cost dated February 8, 2022
- 9. Geotechnical Evaluation Report dated May 25, 2021 completed by Braun Intertec

Rule Specific Permit Conditions

Rule C: Erosion Prevention and Sediment Control

Because the project will involve 1.52 acres of land-disturbing activities, the project must conform to the erosion prevention and sediment control requirements established in Rule C.

The erosion control plan prepared by Westwood Professional Services, Inc. includes installation of perimeter control (silt fence or sediment control logs), a stabilized rock construction entrance, inlet protection, erosion control blanket, daily inspection, staging areas, placement of a minimum of 6 inches of topsoil (at 5% organic matter), decompaction of areas compacted during construction, and retention of native topsoil onsite to the greatest extent possible. To conform to 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 involve 1.52 acres of land-disturbing activity, 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 site because the project is redevelopment that will disturb more than 50% of the existing impervious surface on the parcel (Rule J, Subsection 2.3).

The applicant is proposing construction of an infiltration basin and an underground infiltration system to provide the rate control, volume abstraction and water quality management. Pretreatment for runoff entering the infiltration basin and underground infiltration system is being provided by catchbasin/manholes with sumps.

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 Table 2 below. The proposed project is in conformance with RPBCWD Rule J, Subsection 3.1.a.

Table 2. Existing and Proposed Peak Runoff Rates

| Modeled Discharge Location | 2-Yo Dischar | | 10-Y Dischar | 7.7 | | Year ge (cfs) | | Day nelt (cfs) |
|-------------------------------|-----------------|------|-----------------|------|-----|------------------|------|-------------------|
| | Ex | Prop | Ex | Prop | Ex | Prop | Ex | Prop |
| West | 3.9 | 1.4 | 6.3 | 3.4 | 9.4 | 5.2 | 0.2 | 0.2 |
| North | 0.9 | 0.6 | 1.5 | 1.1 | 2.8 | 1.9 | <0.1 | <0.1 |
| Northeast | 0.6 | 0.3 | 0.9 | 0.8 | 1.6 | 1.4 | <0.1 | <0.1 |

Volume Abstraction

Subsection 3.1.b of Rule J requires the abstraction onsite of 1.1 inches of runoff from the regulated impervious surface of the site. An abstraction volume of 2,915 cubic feet is required from the 0.96 acres (41,818 square feet) of regulated impervious area. The proposed infiltration basin provides 3,402 cubic feet of abstraction volume, while the underground infiltration system provides 342 cubic feet of abstraction volume. Pretreatment for runoff entering the infiltration basin and underground infiltration system is being provided by catchbasin/manholes with sumps to conform to Rule J, Subsection 3.1.b.1.

Two soil borings (ST-8 and ST-5) were performed by Braun Intertec under or adjacent the proposed infiltration pond and underground filtration system, respectively. Soil boing ST-8 is directly underneath the proposed infiltration pond, while soil boring ST-5 is adjacent to the proposed underground infiltration system. Both soil boring show silty sand soils with no groundwater present for 11 feet below the surface. The subsurface investigation information summarized Table 3 shows that groundwater is at least 3 feet below the bottom of the proposed infiltration basin and underground infiltration system (Rule J, Subsection 3.1.b.2.a).

Table 3. Groundwater Separation Analysis

| Proposed BMP | Nearest Subsurface Investigation | Boring is within footprint? | Groundwater Elevation (feet) | BMP Bottom Elevation (feet) | Separation (feet) |
|---|--|-----------------------------------|---|-----------------------------------|----------------------|
| Infiltration Basin | ST-8 | Yes | No groundwater observed at boring bottom (approx. el 882) | 886 | 4.0 |
| Undergrou nd Infiltration System | ST-5 | No | No groundwater observed at boring bottom (approx. el 880) | 884.5 | 4.5 |

The engineer concurs with the applicant's design infiltration rates of 0.45 inches per hour for silty sand based on the guidelines provided in the Mn Stormwater Manual. Based on the design infiltration rate, the engineer concurs that the basins will draw down within 48 hours (Rule J, subsection 3.1b.3). Because of the existing asphalt pavement at the locations of proposed infiltration basin and underground infiltration system, infiltration testing was not performed at that BMP locations. Per Rule J, Subsection 3.1.b.2.c measured infiltration capacity of the soils at the bottom of the infiltration systems must be provided. The applicant must submit documentation verifying the infiltration capacity of the soils 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 3.1b or there is inadequate 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 based on the design infiltration capacity of the underground infiltration system.

Table 4. Volume Abstraction Summary

| Required Abstraction Depth (inches) | Required Abstraction Volume (cubic feet) | Provided Abstraction Depth (inches) | Provided Abstraction Volume (cubic feet) |
|---|--|-------------------------------------|--|
| 1.1 | 3,745 | 1.1 | 3,745 |

While the stormwater management facilities provide adequate retention capacity to meet the requirement, the impervious area in proposed watershed DA5 (3,191 square feet or about 8% of the total site impervious surface) is not tributary to an abstraction BMP. To conform to RPBCWD Rule J, subsection 3.1b requirements, the following revision is needed:

J1. Applicant must capture and route runoff from watershed DA5 to an abstraction BMP to demonstrate that 1.1" of runoff is being captured from all impervious areas (per rule J, subsection 2.3 and 3.1bi).

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. Because the infiltration basin and underground infiltration system proposed by the applicant provides the volume abstraction required by 3.1b and the engineer concurs with the modeling, the engineer finds that the proposed project is in conformance with Rule J, Subsection 3.1.c.

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 building is summarized below and shows proposed project is in conformance with Rule J, Subsection 3.6a.

Table 5. Low Floor Summary

| Building Riparian to | Low Floor Elevation of | - | Freeboard to 100-year |
|--------------------------|------------------------|----------|-------------------------|
| Stormwater Facility | Building (feet) | | High Water Level (feet) |
| Proposed Office Building | 899.0 | 890.1 | 8.9 |

Maintenance

Subsection 3.7 of Rule J requires the submission of 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. While the applicant provided a draft post construction operation and maintenance plan for review, the following revisions are needed:

J2. Permit applicant must provide 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 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 Minnesota Pollution Control Agency-certified salt applicator engaged in implementing the plan. To close out the permit and release the \$5,000 in financial assurance held for the purpose of chloride management, the permit applicant must provide a 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 at the site.

Wetland Protection

In accordance with Rule J, subsection 3.10a, there is no proposed activity subject to Rule J that will alter the site in a manner that increases the bounce in water level, duration of inundation, or change the runout elevation in the subwatershed, for the wetland receiving runoff from the land disturbing activities. Because the applicant's HydroCAD model results demonstrate, and the engineer concurs, that the proposed flow rate and volumes flowing towards the off-site wetland are less than the under existing conditions, the bounce and inundation will not increase, thus the project meets the Bounce and Inundation criterion.

Rule J, Subsection 3.10b requires that treatment of runoff to high and exceptional value wetlands archive 90 percent total suspended solids removal and 75 percent total phosphorus removal. Because the value of the off-site wetland is unknown, the applicant assumed the wetland is exceptional value. MIDS modeling results show the proposed underground infiltration system provides 93% TSS and 88% TP removals, thus the engineer finds that the proposed project is in conformance with Rule J, Subsection 3.10b.

Rule L: Permit Fee

The RPBCWD permit fee schedule requires permit applicants to submit a permit-fee deposit of \$3,000 to be held in escrow and applied to reimburse RPBCWD for the permit-application processing fee and permit review and inspection-related costs. A permit fee deposit of \$3,000 was received by Nor-Son on January 10, 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.

Rule M: Financial Assurance

| | Unit | Unit Cost | # of Units | Total |
|--|------|------------------|------------|-----------|
| Rules C: Silt fence: | LF | \$2.50 | 300 | \$750 |
| Inlet protection | EA | \$100 | 6 | \$600 |
| Rock Entrance | EA | \$250 | 1 | \$250 |
| Restoration | Ac | \$2,500 | 1.52 | \$3,800 |
| Rules J: Stormwater Management Underground infiltration system: 125% of engineer's opinion of cost (\$160,577) | EA | 125% OPC | 1 | \$200,721 |
| Chloride Management | LS | \$5,000 | 1 | \$5,000 |
| Contingency (10%) | | 10% | | \$21,112 |
| Total Financial Assurance | | | | \$232,233 |

Applicable General Requirements:

- 1. The RPBCWD Administrator and Engineer shall be notified at least three days prior to commencement of work.
- 2. Construction shall be consistent with the plans and specifications approved by the District as a part of the permitting process. The date of the approved plans and specifications is listed on the permit.
- 3. 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.
- 4. The grant of the permit does not relieve the permittee of any responsibility to obtain approval of any other regulatory body with authority.
- 5. 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.
- 6. 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.
- 7. 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.
- 8. 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 C and J if the Rule Specific Permit Conditions listed above are met.

Recommendation:

Approval of the permit contingent upon:

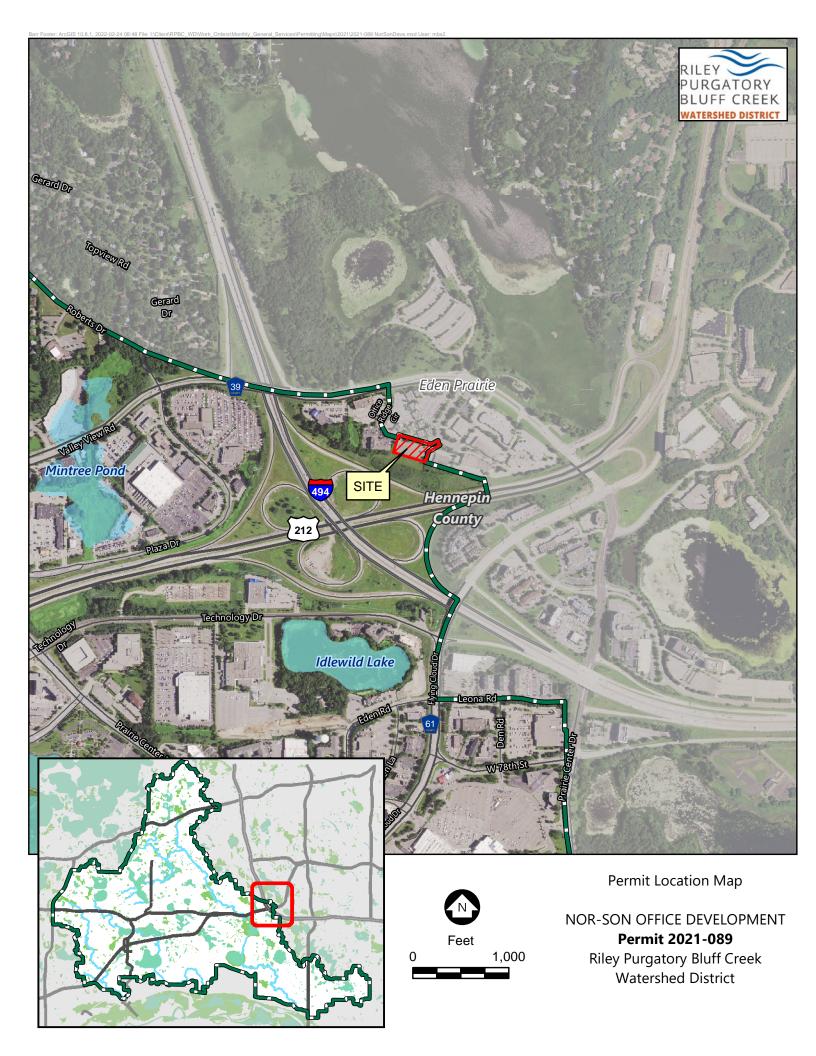
1. Financial Assurance in the amount of \$232,233.

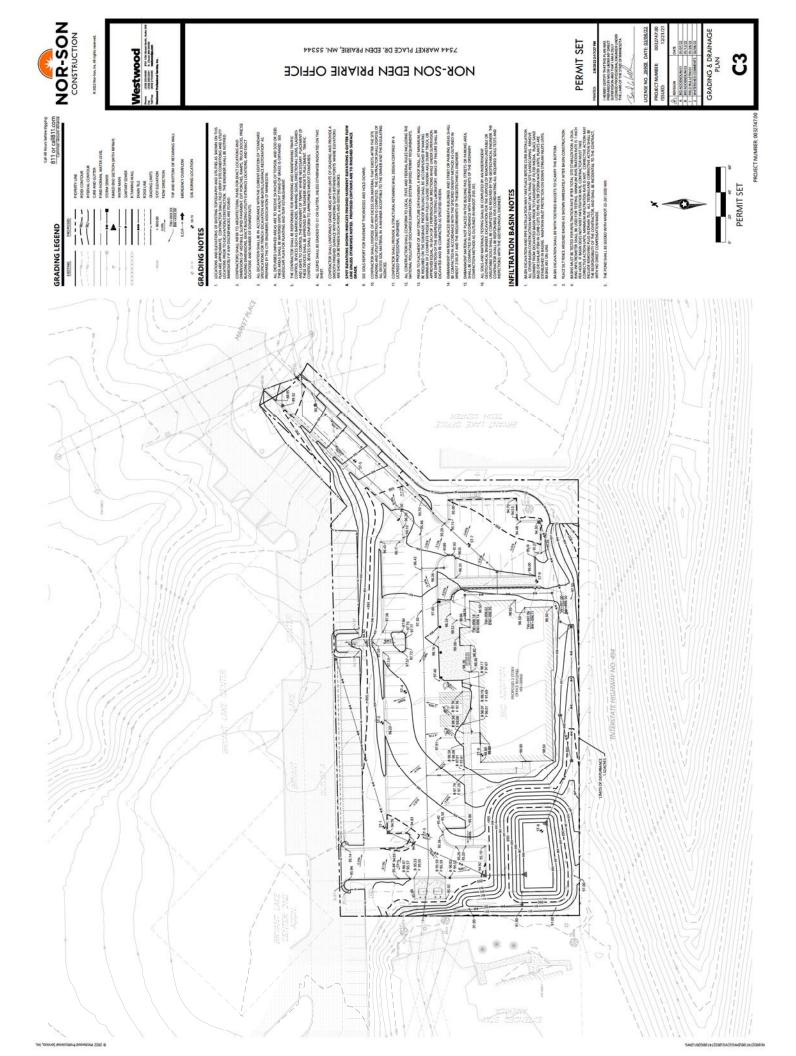
- 2. Receipt of an stormwater management report that has been certified by an engineer registered in Minnesota (per Rule J, subsection 5.4).
- 3. The Applicant providing the name and contact information of the individual responsible for erosion control at the site. RPBCWD must be notified if the responsible individual changes during the permit term.
- 4. Receipt of updated plans showing runoff from watershed DA5 routed to an abstraction BMP to fully demonstrate that 1.1" of runoff is being captured from all impervious areas (per rule J, subsection 2.3 and 3.1bi).
- 5. Receipt in recordation a maintenance declaration for the stormwater management facilities. A draft must be approved by the District prior to recordation.
- 6. The applicant must replenish the permit fee deposit to the original amount due before the permit will be issued.

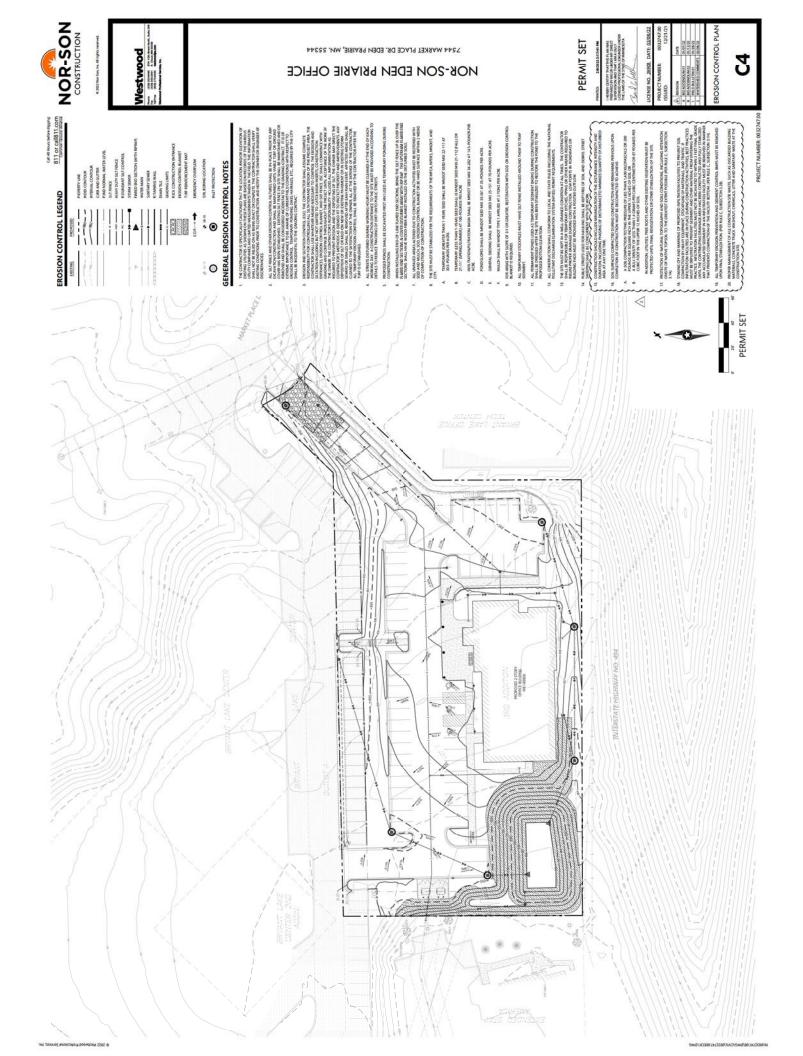
By accepting the permit, when issued, the applicant agrees to the following stipulations:

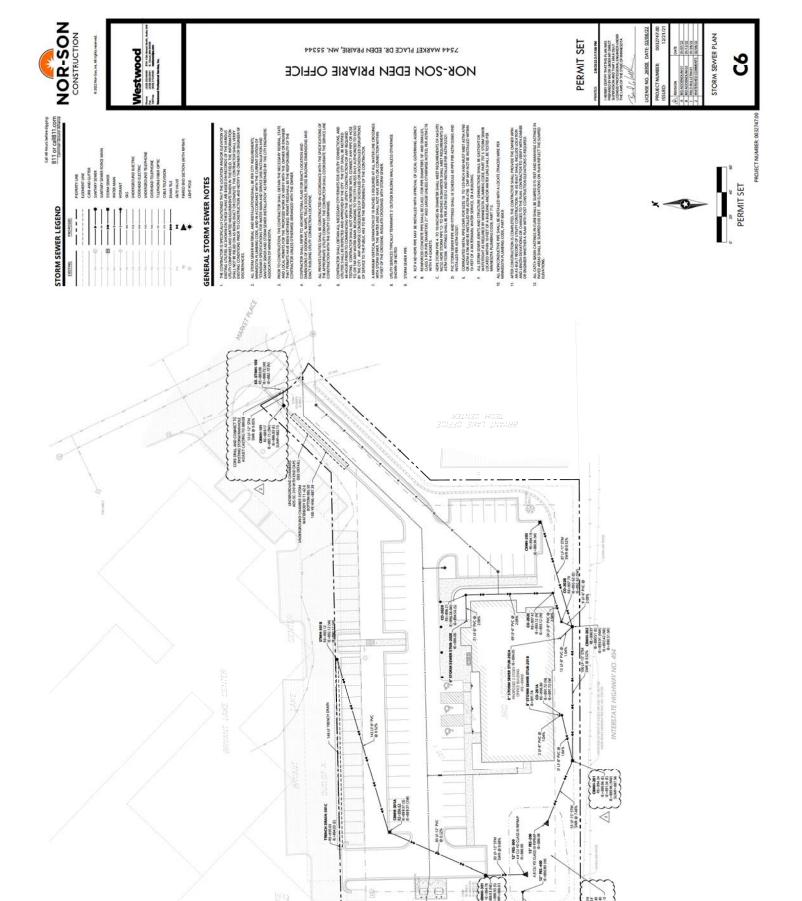
- 1. Continued compliance with General Requirements.
- 2. Per Rule J Subsection 5.6, upon completion of the site work, the permittee must submit as-built drawings demonstrating that at the time of final stabilization the stormwater management facilities conform to design specifications and functions as intended and approved by the District. Asbuilt/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;
 - d) other important features to show that the project was constructed as approved by the Managers and protects the public health, welfare, and safety.
- 3. Providing the following additional close-out materials:
 - a) Documentation that constructed infiltration facilities perform as designed. This may include infiltration testing, flood testing, or other with prior approval from RPBCWD
 - b) Documentation that disturbed pervious areas remaining pervious have been decompacted per Rule C Subsection 3.2c criteria
- 4. To close out the permit and release the \$5,000 in financial assurance held for the purpose of the chloride management, the permit applicant must provide a signed 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 at the site.
- 5. Per Rule J, Subsection 3.1.b.ii measured infiltration capacity of the soils at the bottom of the infiltration system must be provided. The applicant must submit documentation verifying the infiltration capacity of the soils and that the volume control capacity is calculated using the measured infiltration rate. In addition, subsurface soil investigation is needed to verify adequate separation to groundwater (Rule J subsection 3.1.b.2). If infiltration capacity is less than needed to conform with the volume abstraction requirement in subsection 3.1b or there is inadequate 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). |
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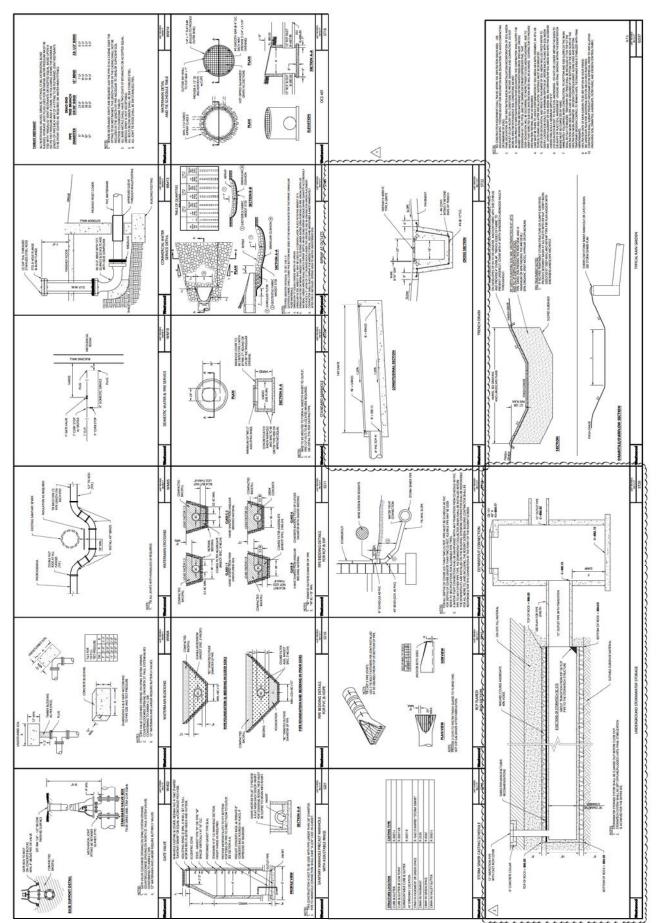
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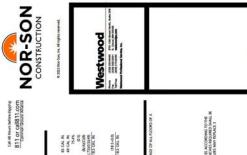
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