

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

Riley Purgatory Bluff Creek Watershed District Permit Application Review

Permit No: 2022-053

Considered at Board of Managers Meeting: January 4, 2023

Received complete: December 9, 2022

Applicant: Andy Awes

Consultant: Alliant Engineering, Seth Loken

Project: Fox Ridge Addition—Proposed redevelopment of an existing single-family home parcel

into three single-family residential lots with homes and an outlot in Chanhassen, MN. Stormwater management includes three subsurface stormwater management facilities

to provide volume control, water quality, and rate control. A new outfall is also

proposed to convey treated stormwater from the site into Lotus Lake.

Location: Fox Hill Drive, Chanhassen, Minnesota

Reviewer: Scott Sobiech P.E., and Annie Brunton, Barr Engineering

| Board Action |
|---|
| Manager moved and Manager seconded adoption of the following resolution based on the permit report that follows and the presentation of the matter at the January 4, 2023 meeting of the managers: |
| Resolved that the application for Permit 2022-053 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 affirmatively resolved, the RPBCWD president or administrator is authorized and directed to sign and deliver Permit 2022-053 to the applicant on behalf of RPBCWD. |
| Upon roll call vote, the resolutions were adopted, |

Applicable Rule Conformance Summary

| Rule | Issue | | Conforms to RPBCWD Rules? | Comments |
|------|--|------------------------|---------------------------------|---|
| В | Floodplain Management and Drainage Alterations | | Yes | |
| С | Erosion Control Plan | | See Comment | See rule-specific permit condition C1 related to name of individual responsible for on-site erosion control. |
| D | Wetland and Creek Buffers | | See Comment | See rule-specific permit condition D1 related to maintenance declaration review, approval, and recordation. |
| G | Waterbody Crossings and Structures | | See Comment | See rule-specific permit conditions G1-G2 related revising the outfall alignment and maintenance declaration review, approval, and recordation. |
| J | Stormwater | Rate | Yes | |
| | Management | Volume | Yes | See stipulation #7 related to verifying the infiltration capacity of the soils and separation from groundwater. |
| | | Water Quality | Yes | |
| | | Low Floor Elev. | Yes | |
| | | Maintenance | See Comment | See rule-specific permit condition J1 related to recordation of stormwater facility maintenance declaration. |
| | | Chloride Management | Yes | |
| | | Wetland Protection | Yes | |
| L | Permit Fee Deposit | | See Comment | \$3,000 received June 30, 2022. As of December 29, 2022 the amount due is \$8,469. |
| М | Financial Assuran | ces | See Comment | The financial assurance is calculated at \$247,780. |

Background

The applicant proposes redevelopment of a 2.47-acre single-family home parcel into three single-family residential lots with homes and an outlot. The stormwater management system includes the construction of three subsurface infiltration systems and wetland buffers to provide water quality treatment, rate control, and volume abstraction. The water resources within the project site or downgradient of the proposed activities are summarized in the following table. The table also provides a brief explanation of how each resource is implicated in the permit application review process. Under previously approved Permit 2022-051, which involved restoring 32 feet of Lotus Lake shoreline and installing 23 feet of sand blanket along the shoreline, the proposed activities did not require stormwater management because the total disturbance was less than 5,000 square feet. The applicant has not fulfilled the conditions of approval for permit 2022-051, the permit has not been issued and no land-disturbing activities have started.

| Water Resource | Projected resource impacts |
|----------------|---|
| Wetland 1 | An onsite Wetland Conservation Act (WCA) protected wetland downgradient from proposed land-disturbing activities. |
| Lotus Lake | A public waterbody disturbed by the installation of a new outfall below the ordinary high water level (OHWL). |

The project site information is summarized below:

| Project Site Information | Approved Permit 2022-051 | Current Permit 2022-053 | Aggregate Total |
|---|--------------------------|----------------------------|---------------------------|
| Total Site Area (ac) | 2.47 | 2.47 | 2.47 |
| Length of Shoreline impacted (ft) | 55 | 0 | 55 |
| Existing Site Impervious (ac) | 0.076 | 0.076 | 0.076 |
| Disturbed Existing Impervious Area (ac) | 0 | 0.076 (100% disturbed) | 0.076 (100% disturbed) |
| Proposed Site Impervious Area (ac) | 0.079 | 0.428 | 0.428 |
| Change in Impervious Area (ac) | 0.003 (3.9% increase) | 0.352 (>100% increase) | 0.352 (>100% increase) |
| Regulated Impervious Area (ac) | 0.003 | 0.428 | 0.428 |
| Total Disturbed Area (ac) | 0.082 | 0.988 | 1.07 |

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

- 1. Permit Application received June 17, 2022 (Notified applicant on June 23, 2022, July 13, 2022, and August 30, 2022 that submittal was incomplete and provided comments on submitted materials; materials completing the application were received on December 9, 2022).
- 2. Stormwater Management Report dated June 17, 2022 (revised December 9, 2022)
- 3. Project Plan Set (14 sheets) dated June 17, 2022 (revised to 16 sheets August 15, 2022, and further revised December 9, 2022)
- 4. Electronic HydroCAD models received on August 15, 2022 (revised December 9, 2022)
- 5. Electronic MIDS models received on August 15, 2022 (revised December 9, 2022)
- 6. Geotechnical Evaluation Report by Haugo Geotechnical Services dated August 4, 2022 and additional soil borings by Haugo Geotechnical Services dated December 7, 2022
- Engineer's Preliminary Estimate of Construction Costs dated June 24, 2022 (revised December 9, 2022)
- 8. Wetland Delineation Report dated November 23, 2020
- 9. Minnesota Wetland Conservation Act type and boundary Notice of Decision dated January 4, 2021
- 10. Wetland Functional Assessment Summary dated May 28, 2021
- 11. Engineer's Response to Comments dated August 15, 2022 and December 9, 2022

- 12. Email correspondence from Department of Natural Resources preliminarily waiving jurisdiction over structure in public water to General Permit 2015-1192 dated December 7, 2022
- 13. Map illustrating the alternatives to the Lotus Lake outfall received December 28, 2022

Rule Specific Permit Conditions

Rule B: Floodplain Management and Drainage Alterations

Because the project involves land-disturbance below the 100-year floodplain Lotus Lake (897.46 ft) to install a new outfall into Lotus Lake from the proposed redevelopment site, the project must conform to the requirements set forth by the RPBCWD Floodplain Management and Drainage Alterations rule (Rule B, Subsection 2.2).

Because the applicant proposes construction of new structures, the project must conform with low floor elevation requirements set forth by Rule B, Subsection 3.1 which references the low floor criteria in Rule J, subsection 3.6. 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 natural overflow of a waterbody. The results of the low floor analysis are summarized in the following table and demonstrate the provided freeboard is greater than the minimum required, thus meeting the habitable structure requirements in Rule J, Subsection 3.6.

| Lot | Low Floor Elevation of Building (feet) | Adjacent water resource or Stormwater Facility | 100-year Event Flood Elevation of Adjacent water resource or Stormwater Facility (feet) | Freeboard provided (feet) |
|-------|---|---|---|---------------------------------|
| Lot 1 | 926.9 | Lotus Lake | 897.46 | 29.44 |
| Lot 1 | 926.9 | BMP 1 | 912.74 | 14.16 |
| Lot 2 | 958.6 | BMP 2 | 946.42 | 12.18 |
| Lot 3 | 963.1 | BMP 3 | 955.73 | 7.37 |
| Lot 3 | 963.1 | Wetland 1 | 949.46 | 13.64 |

Placement of fill below the 100-year flood elevation (897.4 msl) is prohibited unless fully compensatory flood storage at or below the same elevation and within the floodplain of the same water basin is provided (Rule B, Subsection 3.2). Because the plan view and cross section information provided on the drawing shows proposed excavation and installation of stabilization measures will be below the existing ground level, the proposed project will result in an estimated net increase in flood storage below the 100-year flood elevation of 0.48 cubic yards and the project conforms to Rule B, Subsection 3.2. Because the applicant has demonstrated and the engineer concurs that the project will preserve the existing 100-year flood level and reduce total suspended solids and phosphorus loading to the lake, the project will not adversely alter surface flows or water quality, complying with subsection 3.3.

Rule B, Subsections 3.4 is not relevant because no impervious surface will be created or re-created within 50 feet of a watercourse. The applicant submitted the erosion presentation and sediment control plan compliant with RPBCWD's Rule C (see Rule C analysis below). 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 Prevention and Sediment Control

Because the project will alter 0.988 acres of land-surface area, the project must conform to the requirements in the RPBCWD Erosion Prevention and Sediment Control rule (Rule C, Subsection 2.1).

The erosion and sediment control plans prepared by Alliant include installation of silt fence, rock construction entrances erosion control blanket, placement of a minimum of 6 inches of topsoil, construction sequencing, decompaction of pervious areas compacted during construction, and retention of native topsoil onsite. 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 D: Wetland and Creek Buffers

Because the proposed work triggers a permit under RPBCWD Rule J and a wetland protected by the state Wetland Conservation Act is downgradient from (but not disturbed by) the proposed construction activities, Rule D, Subsections 2.1a and 3.1 require buffer on the edge of the wetland that is downgradient from the land-disturbing activities.

The Wetland Delineation Report and MnRAM analysis submitted indicate that the wetland onsite is medium value wetlands. Rule D, Subsection 3.1.a.iii requires wetland buffer with an average of 40 feet from the delineated edge of the wetland, minimum 20 feet for medium value wetlands. The proposed buffer widths are summarized in the table below.

| Wetland ID | 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) |
|------------|----------------------------|-----------------------------------|-----------------------------------|--------------------------|--------------------------|-----------------------------------|-----------------------------------|
| Wetland 1 | Medium | 20 | 40 | 7,976¹ | 11,552² | 25 | 57.9 |

¹ Buffer area required only along the portion of the wetland downgradient from land-disturbing activities.

² Applicant is providing buffer along the entire wetland boundary on the site.

The plans require revegetating disturbed areas within the proposed buffer with native vegetation, thus conforming with Rule D, Subsection 3.3. The engineer's review of plan sheets shows that buffer markers will be placed per District criteria (subsection 3.4). 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.

To conform to RPBCWD Rule D the following revisions are needed:

D1. Buffer areas and maintenance requirements must be documented in a declaration recorded after review and approval by RPBCWD in accordance with Rule D, Subsection 3.5.

Rule G: Waterbody Crossings and Structures

Because the project involves construction of a new outfall to a public water (Lotus Lake), the project must conform to all applicable criteria in RPBCWD's Waterbody Crossings and Structures Rule (Rule G). The proposed outfall work was discussed with the Minnesota Department of Natural Resources on December 29, 2022 because the MN DNR General Permit #2015-1192 does not authorize placement of an outfall in the bed or bank of a public water if an RPBCWD permit for such work is issued; i.e., placement of a structure in a lake bed or bank is not explicitly within the scope of the general permit. MN DNR staff have preliminarily waived jurisdiction over the outfall proposed here to General Permit 2015-1192. However if agency staff with the necessary authority do not waive the requirement of an individual permit under state work-in-waters rules – given the engineer's analysis below under RPBCWD Rule G and the managers' conditional approval of the permit, if granted – the applicant will need to secure an individual permit for the work from DNR. (Material modification to proposed work in response to the agency's jurisdictional determination, if any, will need to be submitted to RPBCWD along with a request for a permit modification.) (Rule F: Stormwater and Streambank Stabilization is not triggered because the riprap being installed in bank of the lake is to prevent erosion more so than stabilize the bank and the relevant Rule F criteria are covered here, under Rule G.)

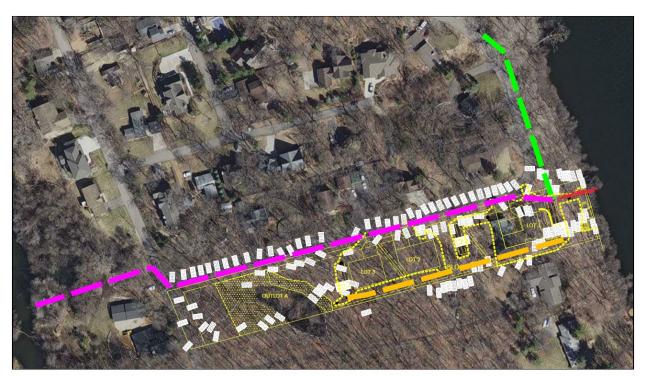
The following table summarizing MIDS modeling results provided by the applicant demonstrates that the project will reduce discharge to Lotus Lake from present conditions as follows: annual runoff volume (48.6%), total suspend solids (48.6%) and phosphorus (48.3%). (Lotus Lake is listed on the state impaired waters list for excess nutrients.) In addition, the rate control summary presented under the analysis of Rule J Stormwater Management demonstrates the proposed conditions result in lower discharge rates to Lotus Lake for the 2-, 10-, and 100-year rainfall event. Because the outfall structure that triggers Rule G is a critical component of the stormwater-management system that achieves the described results, the engineer determines that placement of the outfall provides a public benefit (Rule G, subsection 3.1a).

Summary of net change in discharges from the site to Lotus Lake

| Pollutant of Interest | Existing Site | Proposed Site after Treatment | Change |
|---------------------------------------|---------------|----------------------------------|--------|
| Annual Runoff Volume (acre-feet) | 0.35 | 0.18 | -0.17 |
| Total Suspended Solids (TSS) (lbs/yr) | 51.8 | 26.6 | -25.2 |
| Total Phosphorus (TP) (lbs/yr) | 0.29 | 0.15 | -0.14 |

The project plans incorporate a drop manhole structure with sump about 38 feet upstream of the outfall into Lotus Lake to dissipate the flow energy. In addition, site runoff is conveyed the proposed subsurface stormwater facilities for entrapment of floatables, sedimentation, runoff retention and reduction of peak runoff rates to less than existing condition before the discharging to the lake, thus the design is in conformance with Rule G, Subsection 3.3.

Rule G, Subsection 3.5a requires that the structure represent the minimal impact solution to a specific need. The applicant presented the four options shown in the below figure and summarized below.



FOX RIDGE - ALTERNATIVE DISCHARGE OPTIONS CHANHASSEN, MN





 Option 1 (Green Routing): There is an existing flared end section discharging drainage from Lotus Trail and the surrounding area into Lotus Lake approximately 310 feet north of the Lot 1 Stormwater BMP. Due to existing utilities within Lotus Trail, the storm sewer would likely need to be installed on the lakeside of Lotus Trail. Installing the piping using traditional open cut methods would disturb a well vegetated steep slope riparian to Lotus Lake, including tree removal. The installation of storm sewer at depths initially in the approximate 20 feet range would require a significant wide trench even with trench boxes. This route is located on City of Chanhassen parkland and public right of way. Because the permit application does not have permission to work on city property, this option was dismissed.

- 2) Option 2 (Orange Routing): Because the Lot 1 BMP is approximately 45 feet below the elevation of Lot 3 BMP, a pumping system would be necessary to get stormwater from Lot 1 BMP to Lot 3 BMP prior to discharging to the wetland. The forcemain routing required to convey stormwater to the outlet control structure of the Lot 3 BMP would require further removal of trees (a major concern raised by the City of Chanhassen). The other factor hindering the routing of stormwater to the wetland is it would result in the site not meeting the bounce and inundation criteria of the wetland, significantly altering the wetlands hydrology, thus this option was dismissed.
- 3) Option 3 (Magenta Routing): There exists a stormsewer and flared end that outlets to the wetland complex to the west of the property slightly northeast of the intersection of the Fox Hill Drive and Carver Beach Road. Early in the process of this project the City of Chanhassen explored expanding ponds to the west in an attempt to consolidate stormwater on the Fox Ridge project. The topography indicates the high point in Fox Hill Drive is slightly above elevation 970, resulting in 62 feet of elevation change between the high point of Fox Hill Drive and the invert of the stormwater BMP for Lot 1 and the Lot 1 BMP is at a lower elevation than the existing wetland complex to the west, thus a stormwater pump station and forcemain would be needed for this option. Option 3 would also require disturbance of additional trees for the installation of a forcemain and stormsewer. A slight variation of Option 3 would be to only route runoff from Lots 2 and 3 to the west, which would not eliminate the need for the outfall to Lotus Lake. Because of the anticipated tree removals, stormwater pumping station requirements, this option was dismissed.
- 4) Option 4 (Red Routing): Placement of the proposed outfall structure discharging at the normal water level of Lotus Lake represents the minimal impact solution by minimizing tree impacts, avoiding adverse impact to the onsite wetland, avoiding impacts to the off-site western wetland complex. The proposed outfall design minimizes the discharge velocity by including a drop manhole structure and limits the site disturbance adjacent to the lake, both of which minimize erosion potential and thus meet criteria in Rule G, Subsection 3.5a.

Because the outfall profile information shown on the drawing indicates the outfall will extend waterward of the OHWL and the associated riprap would be in contact with the lake bed, additional design revisions are needed to comply with subsections 3.5b and 3.5d.

As discussed in the Rule B narrative above, the proposed project will comply with the District floodplain rule, as required by subsection 3.5c.

The project grading and drainage plan includes a note directing the contractor that no work affecting the bed or banks of a protected water shall occur between March 15 and June 15 (Rule G, Subsection 3.7a). Disturbed areas near and along the banks will be immediately stabilized after completion of permitted work and revegetated as soon as growing conditions allow (Rule G, Subsection 3.7b). 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 (Rule G, Subsection 3.7c).

Plans submitted confirm that riprap is sized appropriately in relation to the erosion potential. Riprap is sized at 18 inches in diameter which is appropriately sized to withstand the designed discharge velocity of 7.9 feet per second, thus conforming to Rule F, Subsection 3.3b (i). Because the plans submitted indicate the proposed outfall construction along the bank of Lotus Lake will protrude waterward of the OHWL and has the potential to cover submerged vegetation slight alignment adjustments are needed to comply with Rule F, Subsection 3.3b (ii) and 3.3b (iv). The plans and details indicate that a transitional layer consisting of graded gravel, at least 6 inches deep with an appreciate geotextile fabric will be placed between the existing shoreline and rip rap, thus conforming to Rule F, Subsection 3.3b (iii). As shown in the riprap detail in the plans, the riprap is proposed to extend to the area around the top of the pipe below the Lotus Lake 100-year floodplain elevation of 897.46 NGVD29, consistent with Rule F, Subsection 3.3b (v). The riprap design reflects energy dissipation and stabilization necessary to minimize erosion at the streambank and is not placed for cosmetic purposes per Rule F, Subsection 3.3b (vi).

To conform to the RPBCWD Rule G the following revisions are needed:

- G1. The outfall location must be revised to allow for the installation of riprap and associated stilling basin consistent with the standard detail (plate 3107) included sheet 3. This will involve shifting the outfall west to minimize the encroachment and placement of riprap on the lake bed, thus achieving compliance with subsection 3.5b, 3.5d, and 3.7d.
- G2. Permit applicant must provide a draft maintenance declaration for the outfall structure for review and approval prior to recordation, in accordance with Rule G, Section 5.

Rule J: Stormwater Management

Because the project will alter 1.07 acres of land-surface area, the project must meet the criteria of RPBCWD's Stormwater Management rule (Rule J, Subsection 2.1). Under paragraph 2.5 of Rule J, common scheme of development, activities subject to Rule J on a parcel or adjacent parcels under common or related ownership must be considered in the aggregate, and the requirements applicable to the activity under the rule must be determined with respect to all development that has occurred on the site or on adjacent sites under common or related ownership since the date the rule took effect (January 1, 2015). Because another project has been permitted since the rules took effect (RPBCWD Permit 2022-

051), the current activities proposed must be considered in aggregate with the activities proposed under this application.

The criteria listed in Subsection 3.1 apply to the entire parcel and all impervious surface on the project site because the proposed activity, aggregated with the prior-permitted activity, will disturb more than 50 percent of the existing impervious surface and increase the impervious surface on the parcel by more than 50 percent(Rule J, Subsection 2.3).

The stormwater management system includes the construction of three subsurface infiltration systems and wetland buffers to provide water quality treatment, rate control, and volume abstraction..

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 (cfs) | | | rear ge (cfs) | 100-Year) Discharge (cfs) | | 10-Day Snowmelt (cfs) | |
|----------------------------|------------------------|------|-----|------------------|----------------------------|------|--------------------------|------|
| | Ex | Prop | Ex | Prop | Ex | Prop | Ex | Prop |
| Wetland 1 | 4.0 | 3.0 | 7.4 | 6.7 | 15.4 | 14.2 | 0.3 | 0.3 |
| Northwest | 4.2 | 3.4 | 8.1 | 7.4 | 17.5 | 16.2 | 0.3 | 0.3 |
| Lotus Lake | 2.8 | 0.9 | 5.4 | 2.7 | 11.7 | 10.7 | 0.2 | 0.2 |

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 the imperviousness on the site. An abstraction volume of 1,709 cubic feet is required from the proposed 0.428 acres of impervious area. Plans indicate pretreatment for runoff entering the three subsurface infiltration facilities is provided by sump manholes, thus the proposed project conforms with RPBCWD Rule J, Subsection 3.1b.1.

Soil borings performed by Haugo GeoTechnical Services show that soils in the project area are typically silty sand and silty clayey sand. Groundwater was not observed at the soil boring under the proposed

subsurface infiltration facilities. 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).

| Proposed BMP | Nearest Subsurface Investigation | Boring is within footprint? | Groundwater Elevation (feet) | BMP Bottom Elevation (feet) | Separation (feet) |
|--|--|-----------------------------|---|-----------------------------------|----------------------|
| Subsurface Infiltration Facility 1 | TP-1 | Yes | No groundwater observed at boring bottom (approx. el 904.9 ft) | 908 | 3.1 |
| Subsurface Infiltration Facility 2 | Infiltration SB-3 Yes observed at bo | | No groundwater observed at boring bottom (approx. el 931 ft | 941.94 | 10.94 |
| Subsurface Infiltration Facility 3 | SB-2 | Yes | No groundwater observed at boring bottom (approx. el 936 ft | 948 | 12 |

Double ring infiltrometer testing results provided by Haugo GeoTechnical Services on December 6, 2022, 2022 show an infiltration rate of 19.4 inches per hour (in/hr) beneath the proposed subsurface infiltration facility 2. Because the infiltration rate exceeds 8.3 in/hr, additional testing and soil modification are proposed by the application during construction. The applicant must submit documentation verifying the infiltration capacity of the amended soils does not exceed 8.3 inches/hour and is not less than the design infiltration rate.

Because of the existing topography and tree cover at the location of proposed subsurface infiltration facilities 1 and 2, subsurface infiltration testing was not performed at that these 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 engineer concurs with the applicant's design infiltration rates of 0.45 inches per hour for sand and 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). The table below summarizes the volume abstraction for the site based on the design infiltration capacity of the subsurface infiltration facilities. With the stipulation noted above regarding verification

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

| Required | Required | Provided | Provided Abstraction Volume (cubic feet) |
|----------------|--------------------|----------------|--|
| Abstraction | Abstraction Volume | Abstraction | |
| Depth (inches) | (cubic feet) | Depth (inches) | |
| 1.1 | 1,709 | 1.11 | 1,722 |

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 proposed by the applicant provides volume abstraction meeting the standard in 3.1b and the engineer concurs with the modeling, under paragraph 3.1c.i, the engineer finds that the proposed project provides the required stormwater-quality protection.

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 evaluation is presented as part of the Rule B analysis and confirms the proposed structures are more than two feet above the proposed 100-year flood elevation, thus the proposed project is in conformance with Rule J, Subsection 3.6.

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. The stormwater management facilities include an infiltration and sump manholes for pretreatment. In addition, because the proposed BMPs and pretreatment manholes function as a system providing stormwater management for the entire project, the declaration must include appropriate cross-dedication of the necessary rights to rely on the stormwater management system among the properties. To conform to the RPBCWD Rule J the following revisions are needed:

J1. Permit applicant must provide a maintenance and inspection declaration as required by Rule J, Subsection 3.7. A draft declaration must be provided for District approval prior to recordation as a condition of issuance of the permit.

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. The RPBCWD chloride-management plan requirement applies to the streets and common areas of the project site, but not the individual single-family homes. Because there are no street or common areas, Rule J, subsection 3.8 does not impose requirements on this project.

Wetland Protection

Because runoff from this site is directly tributary to an on-site medium value wetland, the project must comply with the wetland protection criteria in Rule J, Subsection 3.10

Because the applicant's design does not alter the runout elevation of the wetland and the HydroCAD model results demonstrate, and the engineer concurs, that the proposed flow rate and volumes flowing towards the on-site wetland are less than the under existing conditions, the bounce and inundation will not increase, thus the project meets the Bounce and Inundation criteria in 3.10a.

Rule J, Subsection 3.10b requires that treatment of runoff to medium value wetland meet the water quality treatment criteria in Rule J, subsection 3.1c. Because the proposed the proposed subsurface infiltration facility that discharges to the wetland provides the water quality treatment required in accordance with 3.1c.i, the engineer finds that the proposed project is in conformance with Rule J, Subsection 3.10b.

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 \$3,000 was received on June 30, 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 December 29, 2022 the amount due is \$8,469.

Rule M: Financial Assurance:

| | Unit | Unit Cost | # of Units | Total |
|--|------|-----------|------------|-----------|
| | | | | |
| Rule C: Erosion Control | | | | |
| Silt Fence | LF | \$2.50 | 1,955 | \$4,888 |
| Inlet Protection | EA | \$100 | 0 | \$0 |
| Rock Entrance | EA | \$250 | 2 | \$500 |
| Restoration of disturbance | Ac | \$2,500 | 1.07 | \$2.675 |
| Rule D: Wetland Buffer | LS | \$5,000 | 1 | \$5,000 |
| Rule J: Stormwater Management Three subsurface infiltration facilities: 125% of engineer's opinion of cost (\$169,754) | EA | 125% OPC | 1 | \$212,192 |
| Contingency (10%) | | 10% | | \$22,525 |
| Total Financial Assurance | | | | \$247,780 |

Applicable General Requirements:

- 1. The RPBCWD Administrator and Engineer shall be notified at least three days prior to commencement of work.
- 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, except as may be provided under Minnesota Department of Natural Resources General Permit 2015-1192, compliance with which, including payment of any applicable fee, is entirely the responsibility of the permittee.
- 5. The grant of the permit does not relieve the permittee of any responsibility to obtain approval of any other regulatory body with authority.
- 6. 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.
- 7. 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.

- 8. 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.
- 9. 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 conforms to Rule B.
- 3. The proposed project will conform to Rule C, D, G and J if the Rule Specific Permit Conditions listed above are met.
- 4. Under Minnesota Department of Natural Resources General Permit 2015-1192 (attached to this report), approval of work under RPBCWD rule G may constitute approval under applicable DNR work in waters rules. (See analysis above, please.) Compliance with conditions in the general permit and payment of applicable fees, if any, are necessary to benefit from general permit approval and are the responsibility of the applicants.

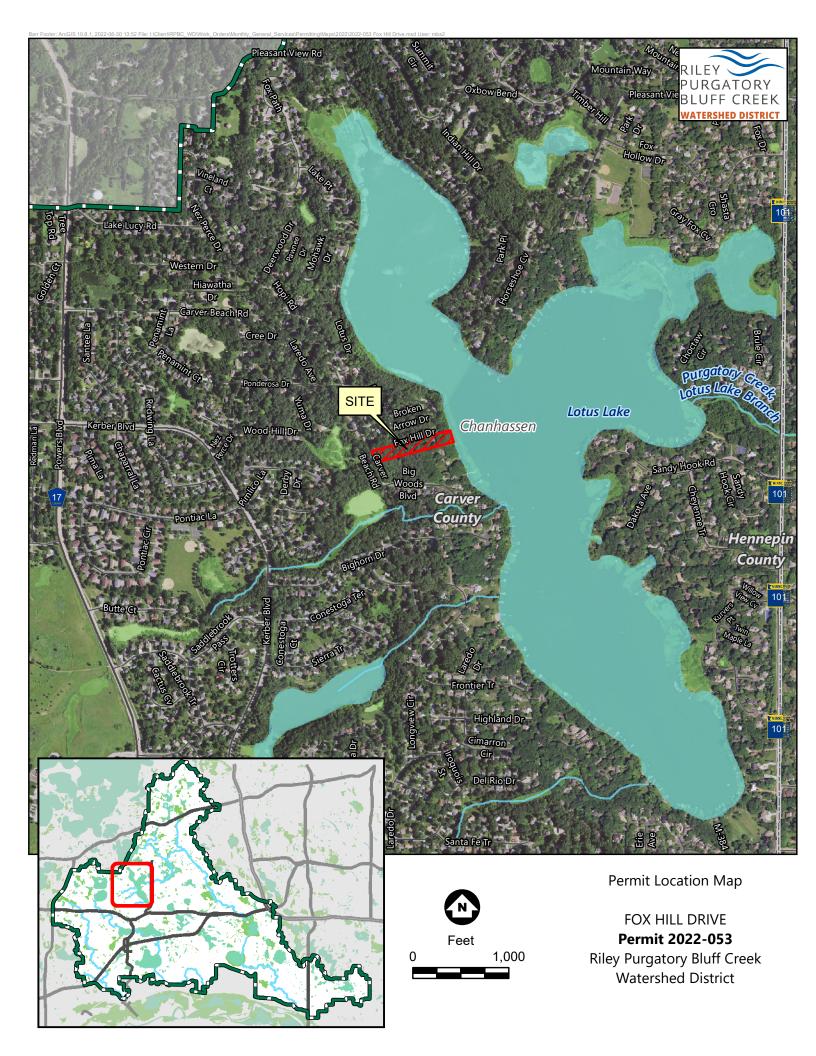
Recommendation:

Approval, contingent upon:

- 1. Financial Assurance in the amount of \$247,780.
- 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 revised plans realigning the outfall location to allow for the installation of riprap and associated stilling basin consistent with the standard detail (plate 3107) included sheet 3. This will involve shifting the outfall west to minimize the encroachment and placement of riprap on the lake bed, thus achieving compliance with subsection 3.5b, 3.5d, and 3.7d.
- 4. Receipt in recordation a maintenance declaration for the operation and maintenance the wetland buffer areas, storm sewer outfall to Lotus Lake, and all stormwater management facilities, including cross-dedication of rights to rely on stormwater treatment as needed. 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.
- 5. The applicant must replenish the permit fee deposit to the original amount due before the permit will be issued. As of December 29, 2022 the amount due is \$8,469.

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

- 1. Continued compliance with General Requirements
- 2. The Department of Natural Resources General Permit #2015-1192 applies to authorize the work in Lotus Lake as long as the permittee complies with the conditions of the general permit, which is attached to this report.
- 3. 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. 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;
- 4. Providing the following additional close-out materials:
 - a. Documentation that disturbed pervious areas remaining pervious have been decompacted per Rule C.2c criteria
- 5. The work on the Fox Ridge development under the terms of permit 2022-053, 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.
- 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.
- 7. 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).



FOX RIDGE

ALLIANT
733 Marquette Avenue
Suite 700
Minneapolis, MN 55402
612.758,3080
www.allant-inc.com

CHANHASSEN, MINNESOTA FOX RIDGE

OWNER

ANDY AWES EM: andy@committeefilms.com

BUILDER

DENALI CUSTOM HOMES 1832 MINNETOWKA BOLLEVARD WAYZAYIA, MN 53591 CONTACT: DAVID BIEKER PH: 612.718-1671 EM: david@denalcustomhomes.com

CONSULTANT

ALLIANT ENGINEERING, INC. 733 MARQUETTE AVENUE SUITE 700 MINNEAPOLIS, MN 55402 PH: 612-758-3090 FX: 612-758-3099

ENGINEER

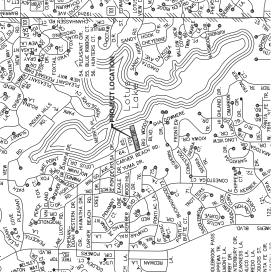
SETH LOKEN LICENSE NO. 58862 EM: sloken@alliant-inc.c

SURVEYOR

DAN EKREM LICENSE NO. 57366 EM: dekrem@alliant-inc.com

LANDSCAPE ARCHITECT MARK KRONBECK LICENSE NO. 26222 EM: mkronbeck@alliant-inc.com





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| COVER SHEET | 1 |
| EXISTING CONDITIONS SURVEY | 2 |
| DETAILS | 3-4 |
| PRELIMINARY PLAT | S |
| SITEPLAN | 9 |
| GRADING AND DRAINAGE PLAN | 7 |
| EROSION AND SEDIMENT CONTROL PLAN | 00 |
| UTILITY PLAN AND PROFILES | 6 |
| STORM SEWER PLAN AND PROFILES | 10-11 |
| STORM INFILTRATION SYSTEM DETAILS | 12 |
| TREE CANOPY COVERAGE AND RESTORATION PLAN | 13-14 |
| WETLAND MANAGEMENT PLAN | 15 |
| LANDSCAPEPLAN | 16 |

| SHEET INDEX | COVER SHEET EXISTING CONDITIONS SURVI | DETAILS | PRELIMINARY PLAT | SITEPLAN | GRADING AND DRAINAGE PL. | EROSION AND SEDIMENT CON | UTILITY PLAN AND PROFILES | STORM SEWER PLAN AND PRO | STORM INFILTRATION SYSTE | TO THE CONTROL TO THE |
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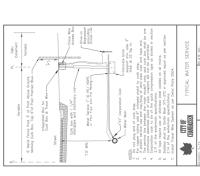
TYPICAL 4" DIAMETER CATCH BASIN MANHOLE

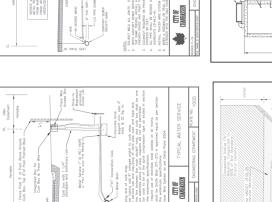
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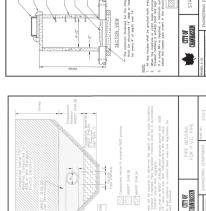
3 or 16 PRELIMINARY PRELIMINARY NOT FOR CONSTRUCTION

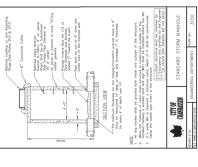


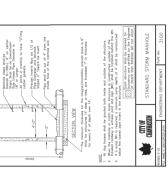
Metal Tee posts installed from invert to above finish grode top 6" painted green.

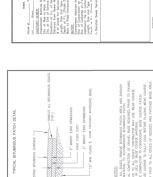




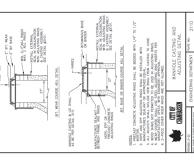






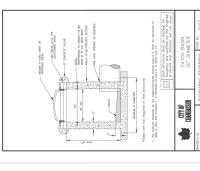


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SANITARY SERVICE RISER (GREATER THAN 16' DEEP)

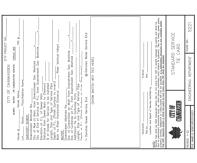


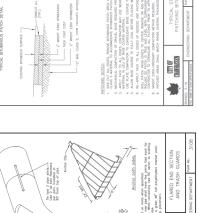
Top of barrel section under top slot to have flot top edge sected with 2 beads of Ramnek or equal.

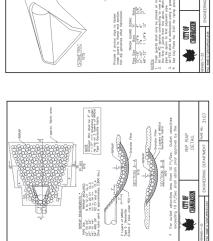
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2- VB Crates shall be used
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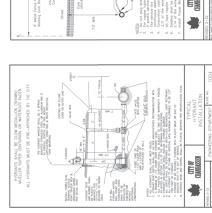
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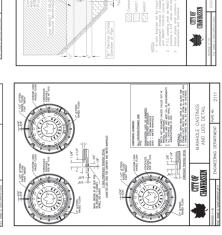
- 24"x36" slab opining for R3067-V or equal

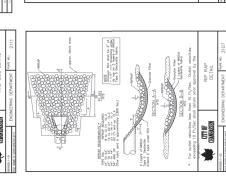












NOTE: FILTER FABRIC SHALL E PLACED UNDER ROCK TO STOP MUD MICRATION THROUGH ROCK.

CHANHASSEN

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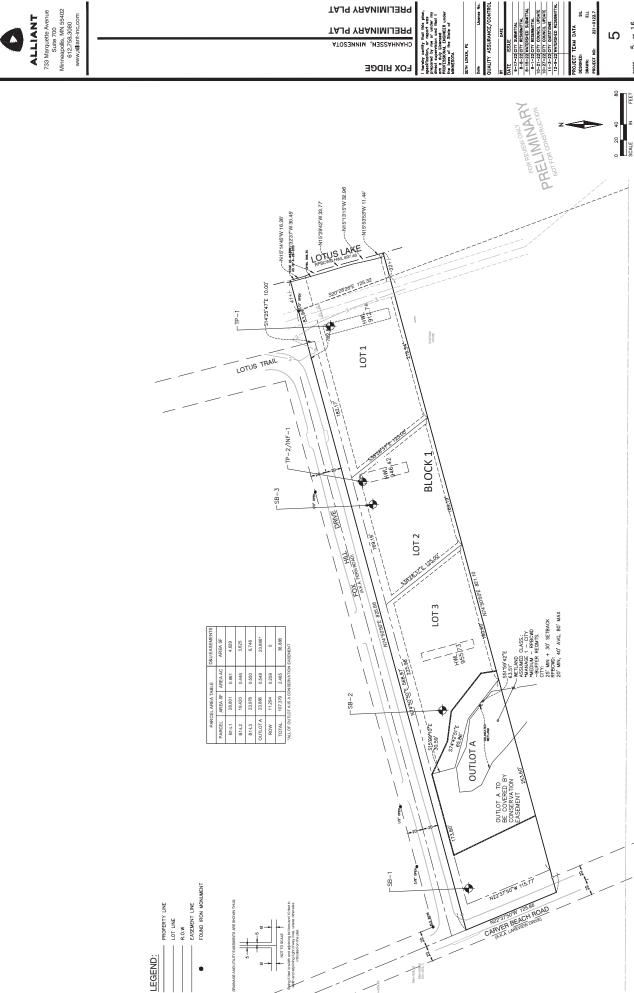
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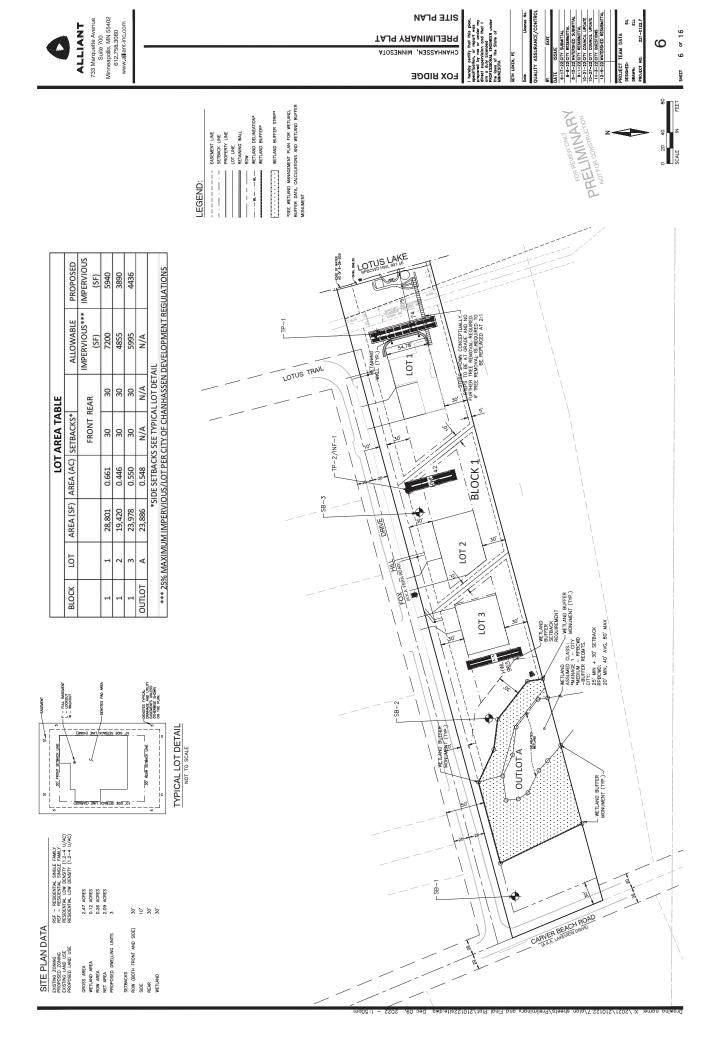
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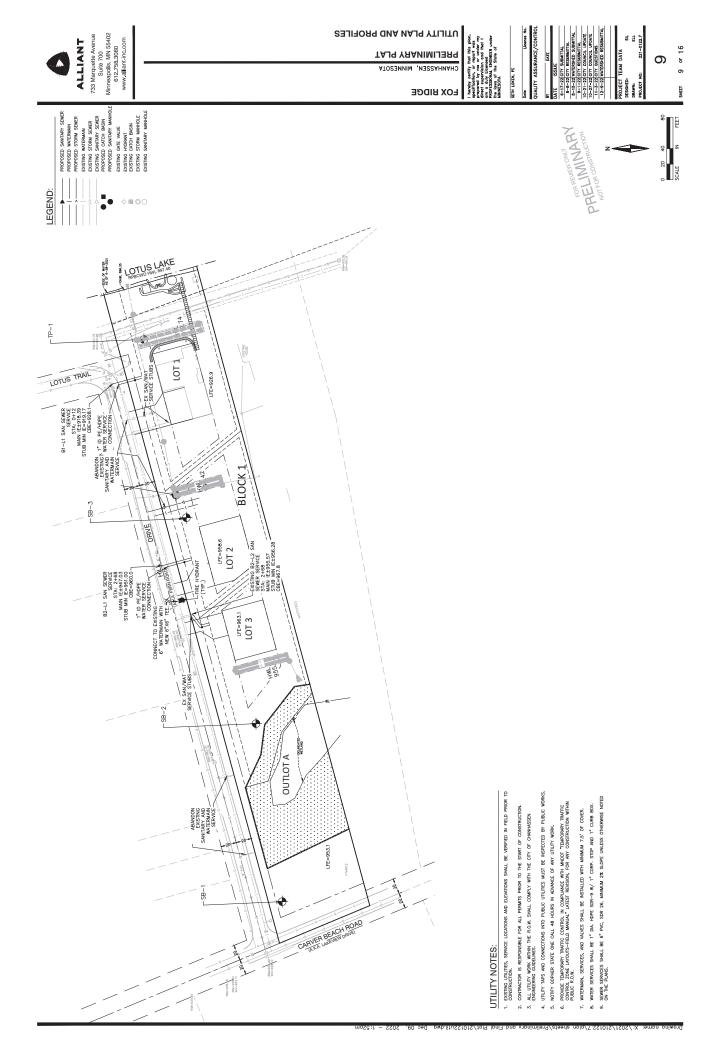
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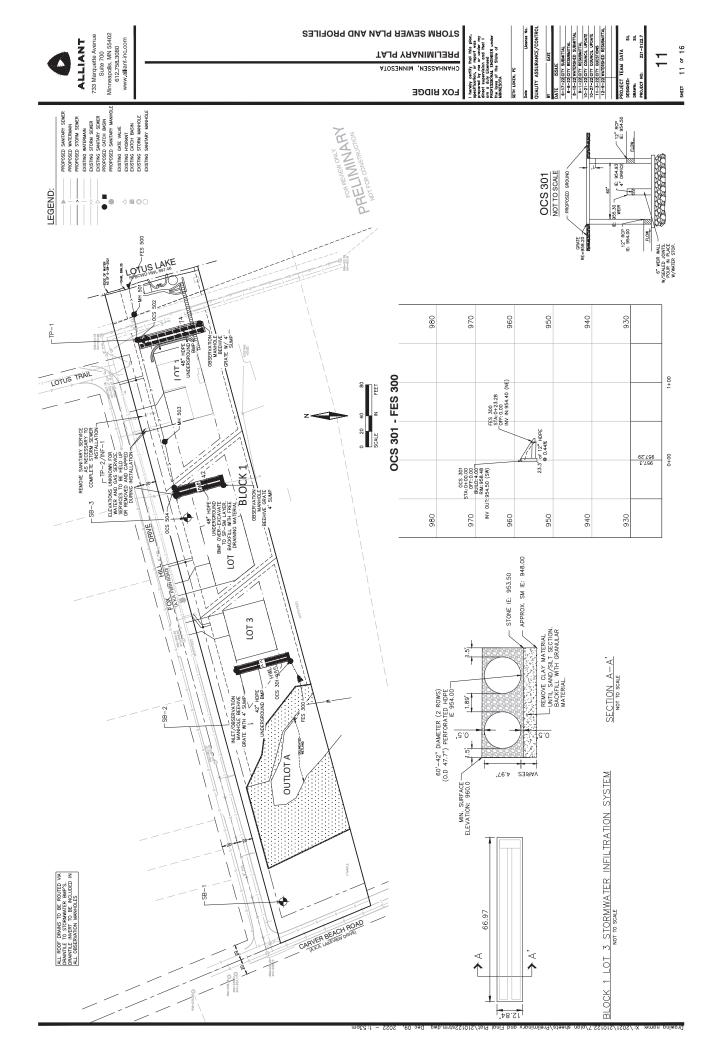
3. SIGN SHALL HAVE WHITE BACKGROUND WITH BACKGROUND WITH BACKGROUND WITH STEP STEP TO FIT 8' x 6' SIGN.

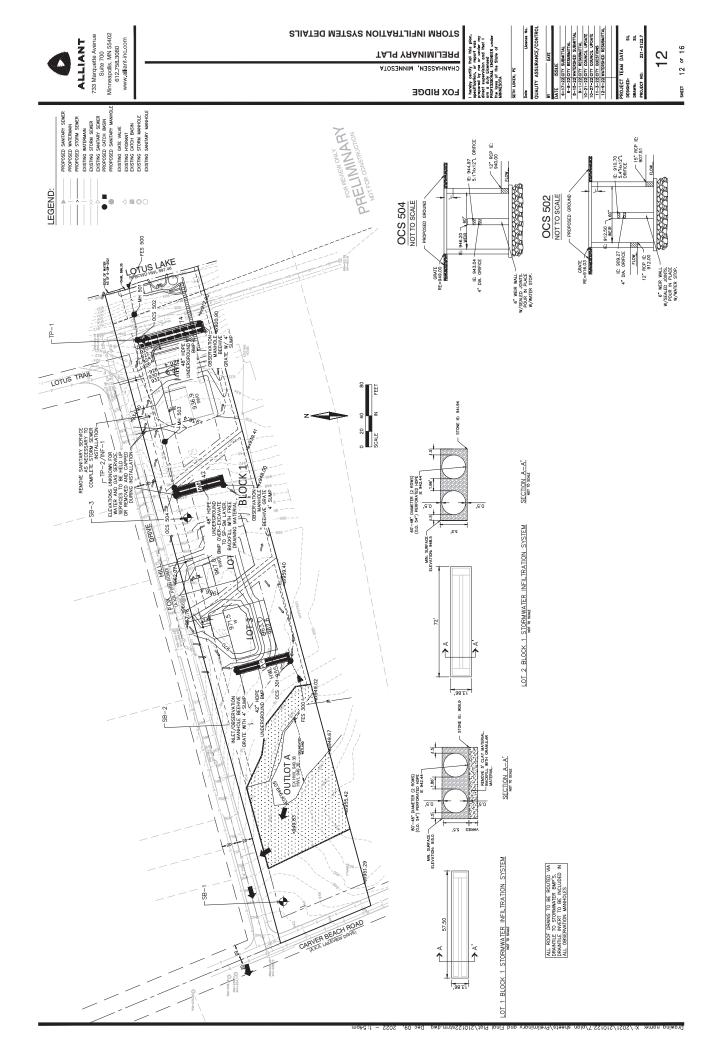






STORM SEWER PLAN AND PROFILES





13 or 16

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Minneapolis, MN 55402
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www.alliant-inc.com

TREE PRESERVATION NOTES:

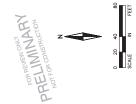
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| | Description | Percentage | Feet | Acres |
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| ۷ | Net Site Area | 100% | 101,998 | 2.342 |
| | Baseline Canopy Coverage | %S6 | 96,530 | 2.216 |
| ပ | Required Minimum Canopy Coverage (Low Density Residential) | 55% | 56,099 | 1.288 |
| ۵ | Proposed Canopy Coverage | 28% | 59,532 | 1.367 |
| ш | Difference between Proposed Canopy Coverage & Required Canopy Coverage = D - C | | 0 | 0.000 |
| ш. | Required Woodland Replacement Canopy Area = E * 1.2 | | 0 | 0.000 |
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NO EQUIPMENT, CONSTRUCTION MATERIALS OR SOIL MAY BE STORED WITHIN THE DRIP LINES OF ANY SIGNIFICANT TREES TO BE PRESERVED. NO ENCROACHMENT, LAND DISTURBANCE, GRADE CHANGE, TRENCHING, FILLING, COMPACTION OF CHANGE IN SOIL CHEMISTRY SHALL OCCUR WITHIN FENCED AREAS PROTECTING SIGNIFICANT TREES. 4. CONTRACTOR TO PREVENT THE CHANGE IN SOIL CHEMISTRY DUE TO CONCRETE WASHOUT AND LEAKAGE OR SPILLAGE OF TOXIC MATERIALS, SUCH AS FUELS OR PAINTS. 5. DRAINAGE PATTERNS ON THE SITE SHALL NOT CHANGE CONSIDERABLY CAUSING DRASTIC ENVIRONMENTAL CHANGES IN THE SOIL MOISTURE CONTENT WHERE TREES ARE INTENDED TO BE PRESERVED.

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FOX RIDGE



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| 6480 | 17 | 17 Bur Oak | | |
| 6481 | 27 | 27 Bur Oak | | |
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| 6490 | 13 | 13 Sugar Maple | | L |
| 6491 | 13 | 13 American Elm | | L |
| 6492 | 19 | 19 Sugar Maple | | |
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| 6498 | 27 | 27 Northern Red Oak | OFFSITE | |
| 6499 | 24 | 24 Northern Red Oak | OFFSITE | |
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733 Marquetta Avenue
Suite 700
Minneagous, MN 55402
612-7563,080
www.alliant-inc.com

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| 6390 | 2 2 | Sugar Maple Northern Red Oak | | < × |
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| 6419 | 20 | Sugar Maple | | |
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| 6422 | 19 | Northern Red Oak | OFFSITE | |
| 6423 | 28 | Northern Red Oak | OFFSITE | |
| 6424 | 12 | Sugar Maple | | |
| 6425 | 31 | Northern Red Oak | | |
| 6426 | 34 | Northern Red Oak | | |
| 6427 | 13 | Sugar Maple | OFFSITE | |
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| 6447 | 10 | Sugar Maple | | × |
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ТАЈЧ ҮЯАИІМІЈЭЯЧ

МЕТГАИ МАИАGEMENT Р**Г**АИ I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Liensed me and a duly Liensed PROFESSONAL ENGINEER under the State of MINNESOTA QUALITY ASSURANCE/CO

15

ТАЈЧ ҮЯАИІМІЈЭЯЧ

FOX RIDGE

CHANHASSEN, MINNESOTA

MARK RAUSCH, PE

QUALITY ASSURANCE

733 Marquette Avenue Suite 700 Minneapolis, MN 55402 612.758.3080 www.alliant-inc.com ALLIANT

ALL MULCH ARENS, UNLESS SPECIFED AS OTHER, TO BE BED MULCHED WITH 4" DEPTH OF DOUBLE SHREIDED HARDWOOD MULCH COLOR DARK BROWN OVER WEED BARRIER, POLY EDGING TO BE WILLEY VIEW BLACK DAMOND OR APPROVED EQUAL.

INSTALL 4" MIN. TOP SOIL TO ALL SOD AND SEED. AREAS, FINE GRADE ALL SOD AND SEED AREAS. STAKE OR MARK ALL PLANT MATERIAL LOCATIONS PRIOR TO INSTALLATION.

PLANTING NOTES

NISTALL 4-6" DEPTH SHREDGED HARDWOOD MULCH AROUND ROOT SAUCER OF ALL TREES ISOLATED FROM PLANT BEDS. PLANTING SOIL SHALL CONSIST OF 1:1:1 SELECT LOAM? TOPSOIL, PEAT MOSS, PIT RUN SAND.

CALL GOPHER STATE ONE CALL AT 611-454-0002 FOR LOCATING ALL UNDERGROUND UTILITIES AND ANDID DAMAGE TO UTILITIES DURING COURSE OF THE WORK. ALL MATERIAL SHALL COMPLY WITH THE LATEST EDITION OF THE AMERICAN STANDARD FOR NURSERY STOCK, AMERICAN ASSOCIATION NURSERVAEN. COMPLETELY GUARANTEE ALL WORK FOR A PERIOD OF ONE YEAR BEGINNING AT THE DATE OF ACCEPTANCE, MAKE ALL REPLACEM PROMPILY (AS PER DIRECTION OF OWNER). ALL TREE TRUNKS SHALL BE WRAPPED WITH BROWN CREPE TREE WRAP. APPLY WRAP IN NOVEMBER AND REMOVE IN APRIL.

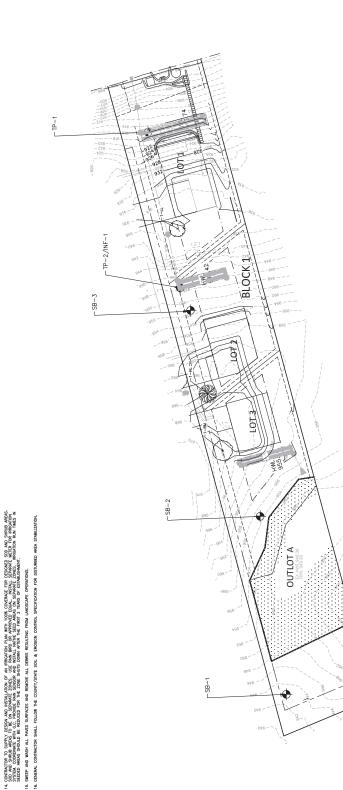
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LANDSCAPE SCHEDULE

LANDSCAPE REQUIREMENTS

WOCOLAND/CANOPY REFORESTATION REQUIREMENT REQUIRED = 0 TREES, SEE CANOPY TREE COVERAGE PROVIDED = 0 TREES RESIDENTIAL SUBDIVISION LANDSCAPE REQUEED = 3. TREES (1 TREE PER LOT PLACE IN THE FRONT YARD) PROVIDED = 3. TREES

| | COMMON NAME | SCIENTIFIC NAME | SIZE / ROOT TYPE | NOIES |
|-----------------|---------------------|---|------------------|-----------------------------|
| OVERSTORY TREES | | | | |
| 1 RM | Red Maple | Acer rubrum | 2.5" Cal. B&B | Straight Trunk, No V-Crotch |
| 1 | Little Leaf Linden | Tilia cordata | 2.5" Cal. B&B | Straight Trunk, No V-Crotch |
| 1 # | Skyline Honeylocust | Gleditsia tricanthos var. Inermis 'Skycole' | 2.5" Cal. B&B | Straight Trunk, No V-Crotch |













PROPOSED DECIDUOUS OVERSTORY TREE PROPOSED ORNAMENTAL TREE PROPOSED CONIFEROUS TREE

LEGEND

8



MNDNR PERMITTING AND REPORTING SYSTEM

General Permit Number 2015-1192

Amended

Public Waters Work General Permit

Expiration Date: 05/01/2025

Pursuant to Minnesota Statutes, Chapter 103G, and on the basis of statements and information contained in the permit application, letters, maps, and plans submitted by the applicant and other supporting data, all of which are made part hereof by reference, **PERMISSION IS HEREBY GRANTED** to the applicant to perform actions as authorized below. This permit supersedes the original permit and all previous amendments.

| Project Name: | Cou | nty: | Watershed: | Res | ource: | | |
|--|-----------------------|----------------------|--|--|---|--|--|
| Riley-Purgatory-Bluff Creek Watershed District General | Henr | nepin and Carver | Lower Minnesota River | | ublic Waters within | | |
| Permit | | | Shakopee | | -Purgatory-Bluff Creek rshed | | |
| Purpose of Permit: | | | Authorized Action | : | | | |
| Sediment Removal, Sand Blanket w/o Excavation, Sand Blanket w/ Excavation, Riprap (Natural Rock), Retaining Wall, Erosion Control/Stabilization Fi Culvert Construction/Modification Bridge Construction/Modification Bioengineering | on/Replace | ement, | Place natural rock ripra of riprap or bioenginee construct retaining wall structures; remove sed Conditions of this perm permit, no separate GF | ring; install beach sa s, bridges and culve iment; all in accorda it. For actions addre | ind blankets; irts; remove nce with the ssed by this general | | |
| Permittee: | | | Authorized Agent: | | | | |
| Riparian Property Owners withi Creek Watershed District | n Riley-Pι | irgatory-Bluff | N/A | | | | |
| Property Description (lan | d owned | or leased or wh | re work will be conducted): | | | | |
| Issued Date: 06/15/202 | 20 | Effective Date | : 05/01/2020 | Expiration Date | 9: 05/01/2025 | | |
| Authorized Issuer: | Title: | | Email Address: | | Phone Number: | | |
| Tom Hovey | Water Re Superviso | gulations Unit or | tom.hovey@state.mn.us | | 651-259-5654 | | |

This permit is granted **subject to** the following **CONDITIONS**:

APPLICABLE FEDERAL, STATE, OR LOCAL REGULATIONS: The permittee is not released from any rules, regulations, requirements, or standards of any applicable federal, state, or local agencies; including, but not limited to, the U.S. Army Corps of Engineers, Board of Water and Soil Resources, MN Pollution Control Agency, watershed districts, water management organizations, county, city and township zoning.

NOT ASSIGNABLE: This permit is not assignable by the permittee except with the written consent of the Commissioner of Natural Resources.

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

SITE ACCESS: The permittee shall grant access to the site at all reasonable times during and after construction to authorized representatives of the Commissioner of Natural Resources for inspection of the work authorized hereunder.

TERMINATION: This permit may be terminated by the Commissioner of Natural Resources at any time deemed

GENERAL PERMIT CONDITIONS (Continued from previous page)

necessary for the conservation of water resources of the state, or in the interest of public health and welfare, or for violation of any of the conditions or applicable laws, unless otherwise provided in the permit.

COMPLETION DATE: Construction work authorized under this permit shall be completed on or before the date specified above. The permittee may request an extension of the time to complete the project by submitting a written request, stating the reason thereof, to the Commissioner of Natural Resources.

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

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

EXTENSION OF PUBLIC WATERS: Any extension of the surface of public waters from work authorized by this permit shall become public waters and left open and unobstructed for use by the public.

GP AUTHORIZATION - APPLY USING MPARS: The permittee shall apply for prior authorization for all projects to be constructed under this General Permit using the MNDNR Permitting and Reporting System (MPARS) at www.mndnr.gov/mpars/signin . Users will need to create an account the first time they access the system. Once created, click on the link for 'Apply for a New Permit/Authorization' under the Actions box and complete the application questions.

WETLAND CONSERVATION ACT: Where the work authorized by this permit involves the draining or filling of wetlands not subject to DNR regulations, the permittee shall not initiate any work under this permit until the permittee has obtained official approval from the responsible local government unit as required by the Minnesota Wetland Conservation Act.

INVASIVE SPECIES - EQUIPMENT DECONTAMINATION: All equipment intended for use at a project site must be free of prohibited invasive species and aquatic plants prior to being transported into or within the state and placed into state waters. All equipment used in designated infested waters, shall be inspected by the Permittee or their authorized agent and adequately decontaminated prior to being transported from the worksite. The DNR is available to train inspectors and/or assist in these inspections. For more information refer to the "Best Practices for Preventing the Spread of Aquatic Invasive Species" at http://files.dnr.state.mn.us/publications/ewr/invasives/ais/best_practices_for_prevention_ais.pdf. Contact your regional Invasive Species Specialist for assistance at www.mndnr.gov/invasives/contacts.html. A list of designated infested waters is available at www.mndnr.gov/invasives/ais/infested.html. A list of prohibited invasive species is available at www.mndnr.gov/invasives/laws.html#prohibited.

CONSTRUCTION DEWATERING - GENERAL: All construction dewatering in excess of 10,000 gallons per day or one million gallons per year must be authorized by a separate water appropriation permit. All worksite discharge water must be treated for sediment reduction prior to return to the surface water. Water from designated infested waters shall not be diverted to other waters, transported on a public road, or transported or appropriated off property riparian to infested waters without a DNR permit specifically for this use. All equipment in contact with infested waters must be decontaminated upon leaving the site.

EROSION AND SEDIMENT CONTROL: In all cases, methods that have been determined to be the most effective and practical means of preventing or reducing sediment from leaving the worksite shall be installed in areas that slope to the water and on worksite areas that have the potential for direct discharge due to pumping or draining of areas from within the worksite (e.g., coffer dams, temporary ponds, stormwater inlets). These methods, such as mulches, erosion control blankets, temporary coverings, silt fence, silt curtains or barriers, vegetation preservation, redundant methods, isolation of flow, or other engineering practices, shall be installed concurrently or within 24 hours after the start of the project, and will be maintained for the duration of the project in order to prevent sediment from leaving the worksite. DNR requirements may be waived in writing by the authorized DNR staff based on site conditions, expected weather conditions, or project completion timelines.

GENERAL PERMIT CONDITIONS (Continued from previous page)

EXCAVATED MATERIALS - FLOODPLAIN CONCERN: Excavated material shall not be permanently placed within community designated floodplain areas or shoreland areas, unless all necessary local permits and approvals have been obtained.

AQUATIC PLANT MANAGEMENT: For projects where vegetation is placed waterward of the ordinary high water level, a separate Aquatic Plant Management (APM) permit is needed from the DNR Regional APM Specialist. See contact list at: http://www.dnr.state.mn.us/apm/index.html. A permit shall be obtained (no fee required) for each site in order to monitor plant source, species, and planting location. Vegetation must be appropriate for the site and free of invasive species. This condition does not apply when only woody vegetation is used, such as willow and dogwood.

APPLICABLE PROJECTS: A project not meeting applicable conditions of this permit or a project the DNR identifies as having the potential for significant resource impacts, is not authorized herein. Rather, such projects will require an individual DNR permit application.

ENVIRONMENTAL REVIEW: If the project proposal is part of a project that requires mandatory environmental review pursuant to MN Environmental Quality Board rules, then the permit is not valid until environmental review is completed.

RETAINING WALLS: Retaining walls are generally discouraged because their impact on the near-shore aquatic environment can be severe and they restrict wildlife movement, however, they may be permitted if the following conditions are met: a. Existing or expected erosion problems shall preclude the use of riprap shore protection with a finished slope of 2:1 (horizontal to vertical) or more gentle, due to steep banks, nearby structures or other extenuating circumstances; or there shall be a demonstrated need for direct shoreland docking. b. Design shall be consistent with existing uses in the area. Examples are: riverfront commercial-industrial areas having existing structures of this nature, dense residential areas where similar retaining walls are common, or where barges are utilized to carry equipment and supplies. c. Adequate engineering studies shall be performed on foundation conditions, tiebacks, internal drainage, construction materials, and protection against flanking. d. The facility shall not be an aesthetic intrusion upon the area and is consistent with all applicable local, state, and federal management plans and programs for the water body. e. Encroachment below the ordinary high water elevation shall be limited to the absolute minimum necessary for construction.

ICE RIDGE REMOVAL: Ice ridge removal projects must meet the DNR "no permit required" conditions for ice ridge removal specified in Minn. Rules part 6115.0215, Subpart 4. If not, a DNR Individual permit is required as District rules do not address this category of project.

HYDROLOGIC / HYDRAULIC DATA REPORTING :: Unless waived by the DNR Area Hydrologist, hydrologic modeling to show the impacts of a bridge or culvert constructed in a Public Water to the 100-year flood elevation is required. Additional modeling may also be required for temporary fill or temporary structures required during demolition or construction. Calculations showing calculated velocities through the structures at 2-year peak flows may also be required.

FISHERY PROTECTION - EXCLUSION DATES: No activity affecting the bed of the protected water may be conducted between March 15 and April 15 on watercourses, or between April 1 and June 30 on all other waterbodies, to minimize impacts on fish spawning and migration. If work during this time is essential, it shall be done only upon written approval of the Area Fisheries Manager. See contact list at:

http://files.dnr.state.mn.us/fisheries/management/dnr_fisheries_managers.pdf Should work begin elsewhere in the project area within these dates, all exposed soils that are within 200 feet of Public Waters and drain to those waters must complete erosion control measures within 24 hours of its disturbance to prevent sediment from entering Public Waters.

REPORTING: The Riley-Purgatory-Bluff Creek Watershed District shall submit annually or as requested a summary report of the projects authorized under this General Permit to the Area Hydrologist.

CONSTRUCTION AIDS: No construction is allowed of temporary channel diversions or placement of fill for temporary work pads, bypass roads, access roads, or coffer dams to aid in the construction of any authorized structure unless approved in writing by the Area Hydrologist prior to beginning work .

FISH PASSAGE: Bridges, culverts and other crossings shall provide for fish movement unless the structure is intended to impede rough fish movement or the stream has negligible fisheries value as determined by the DNR Area Hydrologist in consultation with the Area Fisheries Manager. The accepted practices for achieving these conditions include: Where possible a single culvert or bridge shall span the natural bankfull width adequate to allow for debris and sediment transport rates to closely resemble those of upstream and downstream conditions. A single culvert shall be recessed in order to pass bedload and sediment load. Additional culvert inverts should be set at a higher elevation. All culverts should match the alignment and slope of the natural stream channel, and extend through the toe of the road side slope. "Where

GENERAL PERMIT CONDITIONS (Continued from previous page)

possible" means that other conditions may exist and could take precedence, such as unsuitable substrate, natural slope and background velocities, bedrock, flood control, 100 year flood elevations, wetland/lake level control elevations, local ditch elevations, and other adjacent features. Rock Rapids or other structures may be used to retrofit crossings to mimic natural conditions.

PHOTOS AND AS-BUILTS: Upon completion of the authorized work, the permittee may be required to submit a copy of established benchmarks, representative photographs, and may be required to provide as-built surveys of Public Watercourse crossing changes.

EXCAVATION OF PUBLIC WATERS: Excavation of Public Waters is authorized by this permit only when the proposed excavation is consistent with Minnesota Rules 6115.0200 and 6115.0201.

REMOVAL OF STRUCTURES: Removal of structures from public waters is authorized by this permit when the proposed removal is consistent with Minnesota Rules 6115.0211 subp. 8.

cc: John Gleason, EWR District Manager

From: Seth Loken
To: Scott Sobiech

Subject: FW: DNR Culvert Permit - Lotus Lake Private Discharge

Date: Thursday, December 29, 2022 10:31:01 AM

Attachments: image003.png

image004.png image005.png image006.png image007.png image001.png

CAUTION: This email originated from outside of your organization.

Seth Loken, PE

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Alliant Engineering, Inc.

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From: DePaz, David (DNR) <david.depaz@state.mn.us>

Sent: Wednesday, December 7, 2022 12:59 PM

To: Seth Loken <sloken@alliant-inc.com>

Subject: RE: DNR Culvert Permit - Lotus Lake Private Discharge

Hello,

A DNR individual permit is not needed. RPBCWD has a Public Waters General Permit issued, so the activity is covered under their scope and would go through them.

As far as question #2, if this was a public waters permit; An outfall can be privately owned, but the applicant needs to have riparian rights to the public water.

Culvert material type also does not matter.

Hope that helps.

David De Paz

(Dah-veed)

Watershed Specialist, Acting South Metro Area Hydrologist | Ecological and Water Resources Division

Minnesota Department of Natural Resources

1200 Warner Road

St. Paul, MN 55106 Phone: 651-259-5775

Email: david.depaz@state.mn.us









From: Seth Loken <<u>sloken@alliant-inc.com</u>> Sent: Tuesday, December 6, 2022 3:49 PM

To: DePaz, David (DNR) < david.depaz@state.mn.us>

Subject: FW: DNR Culvert Permit - Lotus Lake Private Discharge

This message may be from an external email source.

Do not select links or open attachments unless verified. Report all suspicious emails to Minnesota IT Services Security Operations Center.

David,

I received Taylor's out of office email and I am hoping you can provide some answers to some questions below. Please call me at the direct line below if you have any questions.

Thanks,

Seth Loken, PE

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From: Seth Loken

Sent: Tuesday, December 6, 2022 3:47 PM

To: taylor.huinker@state.mn.us

Subject: DNR Culvert Permit - Lotus Lake Private Discharge

Taylor,

I have a question regarding a small residential development in the City of Chanhassen. The project address is 581 Fox Hill Drive. In order to safely convey stormwater from the site's underground infiltration tanks a stormsewer system ultimately resulting in a new culvert discharging to Lotus Lake is required. Previous iterations of the plan planned for a plunge pool to be placed slightly upland of the OHWL to allow for dispersing of runoff prior to discharge to Lotus Lake. RPBCWD has since commented that plan is unacceptable and will only accept a culvert being placed at the NWL of Lotus Lake, which is approximately 2.0' below the OHWL . As a result of development the site reduces TP, TSS and volume per city and RPBCWD requirements to Lotus Lake by instituting stormwater BMP's. Due to the high variability of grade and heavily treed nature in the site there is no alternative to the design for discharge that would not result in significant tree loss. All of this results in a few questions for me that I am hoping you would be able to answer.

- 1. First an obvious question that I believe I know the answer to, this culvert requires a permit?
- 2. Can a new culvert discharging to a public water be privately owned and maintained?
- 3. Can it be HDPE or does the DNR have material requirements?

Please call if I can help clarify anything for you. I have attached a previous plansheet showing the denied alternative plunge pool plan with a markup of what the updated plan would be (very roughly).

Thanks,

Seth Loken, PE

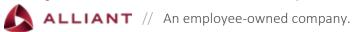
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