

# elm creek Watershed Management Commission

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January 4, 2017

Representatives  
Elm Creek Watershed Management Commission  
Hennepin County, MN

The meeting packet for this meeting may be found on the Commission's website,  
<http://www.elmcreekwatershed.org/minutes--meeting-packets.html>

Dear Representatives:

A regular meeting of the Elm Creek Watershed Management Commission will be held on **Wednesday, January 11, 2017, at 11:30 a.m.** in the Mayor's Conference Room at Maple Grove City Hall, 12800 Arbor Lakes Parkway, Maple Grove, MN.

**The meeting will be preceded at 10:00 a.m. by a meeting of the Commission's Technical Advisory Committee (TAC). Materials for the TAC meeting will be emailed to the Members and uploaded to the Commission's website on Monday, January 9, 2017.**

Please email Kerstin at [kerstin@jass.biz](mailto:kerstin@jass.biz) to confirm whether you or your Alternate will be attending the meeting. Thank you.

Regards,



Judie A. Anderson  
Administrator  
JAA:tim

Encls: Meeting Packet

cc: Alternates	HCEE	BWSR	MPCA
Joel Jamnik	TAC	Met Council	DNR
TRPD	Diane Spector	Clerks	Official Newspaper

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## AGENDA January 11, 2017

1. Call Regular Meeting to Order.
  - a. Approve Agenda.\*
2. Consent Agenda.
  - a. Minutes last Meeting.\*
  - b. Treasurer's Report and Claims.\*\*
3. Open Forum.
4. Action Items.
  - a. Project Reviews – *also see Staff Report.* \*
5. Watershed Management Plan.
  - a. Call for additions/revisions to CIP.\*
    - 1) Exhibit A.\*
6. Elm Creek Watershed-wide TMDL.
7. New Business.
8. Communications.
9. Education.
  - a. WMWA Update.\*\*
10. Grant Opportunities.
  - a. BWSR has approved Clean Water funding for the Internal Phosphorus Loading Control in Fish Lake project (\$200,000) and Accelerated Implementation grant funding for the Rush Creek Headwaters SWA project (\$50,280).
  - b. Hennepin County AIS Grants – applications due January 20, 2017.
11. Other Business.
  - a. Commissioner/Alternate Appointments are due.
  - b. Appoint Nominating Committee. Election of officers will take place at the March 8, 2017 meeting.
  - c. The biennial Solicitation of Interest Proposals has been published in the *State Register*. Responses are due February 1, 2017.
12. Project Updates – *see Staff Report.* \*
13. Adjourn.

\*in meeting packet  
\*\*available at meeting

Project Reviews. (See Staff Report.*)					
			a.	2013-046	Woods of Medina, Medina.
			b.	2014-015	Rogers Drive Extension, Rogers.
			c.	2015-004	Kinghorn Outlet A, Rogers.
		AR	d.	2015-006	Veit Building Expansion, Rogers.
		AR	e.	2015-013	Wayzata High School, Plymouth.
		AR	f.	2015-020	Strehler Estates, Corcoran.
		AR	g.	2015-030	Kiddiegarten Child Care Center, Maple Grove.
			h.	2016-002	The Markets at Rush Creek, Maple Grove.
			i.	2016-004	Park Storage Place, Corcoran.
			J	2016-005W	Ravinia Wetland Bank Plan, Corcoran.
		AR	k.	2016-014	Balsam Apartments, Dayton.
		AR	l.	2016-018	Cambridge Park, Maple Grove.
		AR	m.	2016-019	Just for Kix, Medina.
		AR	n.	2016-021	Diamond View Estates, Dayton.
		AR	o.	2016-022	AutoZone, Maple Grove.
		AR		2016-026	Faithbrook Church, Dayton.
			q.	2016-038	AutoMotor Plex, Medina.
		AR	r.	2016-039	The Fields at Meadow Ridge, formerly Sands Parcel, Plymouth.
			s.	2016-040	Kinghorn 4th Addition, Rogers.
			t.	2016-041	Bartus, Plymouth.
			u.	2016-045W	Brothers Mini Storage, Corcoran.
			v.	2016-047	Hy-Vee Maple Grove #1 (Hy-Vee Maple Grove North).
			w.	2016-049	Medina Senior Living, Medina.
	E	R	x.	2016-050	Southeast Rogers AUAR.
	E	R	y.	2016-051	Grove Circle Medical Office Building, Maple Grove.
			z.	2016-052	The Woods at Rush Creek, Maple Grove.
			aa.		
			ab.		
			ac.		
			ad.		
			ae.		

A = Action item E = Enclosure provided I = Informational update will be provided at meeting RPF - removed pending further information  
R = Will be removed RP= Information will be provided in revised meeting packet.... D = Project is denied AR = awaiting recordation

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\*in meeting packet  
\*\*available at meeting

# elm creek

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### Regular Meeting Minutes December 14, 2016

I. A regular meeting of the Elm Creek Watershed Management Commission was called to order at 11:30 a.m., Wednesday, December 14, 2016, in the Mayor's Conference Room, Maple Grove City Hall, 12800 Arbor Lakes Parkway, Maple Grove, MN, by Chairman Doug Baines.

Present were: Bill Walraven, Champlin; Jon Bottema, Corcoran; Doug Baines, Dayton; Bill Kidder, Maple Grove; Elizabeth Weir, Medina; Fred Moore, Plymouth; Ali Durgunoğlu and James Kujawa, Hennepin County Dept. of Environment and Energy (HCEE); Jeff Weiss, Barr Engineering; and Judie Anderson, JASS.

Not represented: Rogers.

Also present: Todd Tuominen, Champlin; Mark Lahtinen, Maple Grove; Ben Scharenbroich, Plymouth; and Andrew Simmons, Rogers.

A. Motion by Weir, second by Walraven to approve the **revised agenda**. \* *Motion carried unanimously.*

B. Motion by Walraven, second by Weir to approve the **minutes**\* of the November 9, 2016 regular meeting. *Motion carried unanimously.*

C. Motion by Moore, second by Walraven to approve the **December Treasurer's Report and Claims**\* totaling \$141,973.90. *Motion carried unanimously.*

### II. Open Forum.

No one was present to speak to items not on the agenda.

### III. Action Items.

A. Motion by Weir, second by Walraven to approve the **non-waiver of monetary limits** on the Commission's tort liability insurance. *Motion carried unanimously.*

B. Motion by Weir, second by Walraven to approve submittal of a Conservation Corps Clean Water Grant Application for the **Crow River Plant Community Restoration project**. *Motion carried unanimously.*

### C. Project Reviews.

No projects required action.

### IV. Watershed Management Plan.

### V. Elm Creek Watershedwide TMDL.

Included in the meeting packet were copies of **letters from the MPCA responding to comments**\* received from the cities of Corcoran, Medina, and Plymouth, and the MN Departments of Agriculture and Transportation. These will be forwarded to the Environmental Protection Agency. Brasch responded to follow-up questions from the City of Medina. The final TMDL and WRAPS reports are currently in the hands of the EPA and MPCA, respectively. Approval of the TMDL may take anywhere from 3-4 months. The WRAPS approval should take less time.

### VI. New Business.

A. **Maple Grove** Commissioner Joe Trainor has requested that discussion of a possible **Rice Lake carp removal**

\*in meeting packet

## elm creek Watershed Management Commission

Minutes – December 14, 2016

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**project** be postponed to a future month. Bottema suggested that James Johnson, Freshwater Scientific Services, who authored the “Aquatic Plant Community of Rice Lake 2012”<sup>\*</sup> and the “Effects of Carp on the Survival and Growth of Aquatic Plants in Rice Lake”<sup>\*</sup> reports, be invited to this discussion. Also included in the meeting packet was an email chain<sup>\*</sup> discussing the Twin Lake carp tracking and removal project currently underway in the Shingle Creek watershed.

**B. State Buffer Law.**

1. In her November 30, 2016, letter<sup>\*</sup> Kirsten Barta, Hennepin County Rural Conservationist, informed the Commission that she has completed a **preliminary review of the buffers in the Elm Creek watershed**. Barta indicated that she will need to do some additional follow-up in the field. At this time she is sending letters to the affected landowners informing them of their status. Sixty-four parcels require further review and 25 parcels have been determined to be out of compliance.

2. Included in the meeting packet is a copy of a November 14, 2016 article<sup>\*</sup> from *MPR News* entitled, “**With harvest’s end, buffer law work begins.**” The article captures the opinions of two farmers as they begin to operate under the new buffer requirements.

**VII. Communications.**

**A.** Registration is open for the **2017 Annual MECA Erosion Control & Stormwater Management Conference & Trade Show**.<sup>\*</sup> The event will be held January 31-February 2, 2017. [www.mnerosion.org](http://www.mnerosion.org).

**B.** Baines stated he has been reading online information regarding the **impact of cell tower waves** on flying critters, including beneficial pollinators. Others indicated they have seen similar information.

**VIII. Education.**

The **next WMWA meeting** is scheduled for 8:30 a.m., Tuesday, January 10, 2017, at Plymouth City Hall.

**IX. Grant Opportunities.**

**A.** The Board of Water and Soil Resources is meeting today to award **Clean Water Grants**. The Internal Phosphorus Loading Control in Fish Lake project and the Rush Creek Headwaters Subwatershed Assessment project applications were on the list of recommended projects to receive funding.

Brasch indicated he will meet with the City of Maple Grove regarding the Fish Lake project and invited a representative from the Commission to be part of that meeting.

**B.** Hennepin County has announced that applications for **State Aquatic Invasive Species funding** will be accepted until January 20, 2017. [www.hennepin.us/aisprevention](http://www.hennepin.us/aisprevention).

**C.** The Commission has also received preliminary notification of the opening of the **319 Grant** application period. It is anticipated the application period will begin in January 2017.

**X. Other Business.**

**A.** Bottema announced that this will be his last meeting as Commissioner. He has been elected to the Corcoran City Council.

**B.** The following **projects** are discussed in the December Staff Report.<sup>\*</sup> (“W” denotes wetland project.)

1. 2013-046 Woods of Medina, Medina.
2. 2014-015 Rogers Drive Extension, Rogers.
3. 2015-004 Kinghorn Outlet A, Rogers.
4. 2015-006 Veit Building and Parking Lot Addition, Rogers.
5. 2015-013 Wayzata High School, Plymouth.
6. 2015-020 Strehler Estates, Corcoran.
7. 2015-025 OP3 Outdoor Storage, Rogers.
8. 2015-030 Kiddiegarten Child Care Center, Maple Grove.
9. 2015-032 Rogers High School Auditorium Addition, Rogers.
10. 2016-002 The Markets at Rush Creek, Maple Grove.
11. 2016-004 Park Place Storage Site Plans, Corcoran.

## elm creek Watershed Management Commission

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12. 2016-005W Ravinia Wetland Bank, Corcoran.
13. 2016-014 Balsam Apartments, Dayton.
14. 2016-018 Cambridge Park, Maple Grove.
15. 2016-019 Just for Kix, Medina.
16. 2016-021 Diamond View Estates, Dayton.
17. 2016-026 Faithbrook Church, Dayton.\*
18. 2016-038 AutoMotorPlex, Medina.
19. 2016-039 Fields at Meadow Ridge, Plymouth.
20. 2016-040 Kinghorn 4th Addition, Rogers.
21. 2016-041 Bartus Subdivison, Plymouth,
22. 2016-042 Cherrywood of Plymouth.
23. 2016-043 Lawndale Lane Reconstruction, Maple Grove.
24. 2016-044W TH169 Wetland, Champlin.
25. 2016-045W Brothers Mini Storage Wetland Replacement Plan, Corcoran.
26. 2016-046W 8920 Foxline Drive, Corcoran.
27. 2016-047 Hy-Vee Maple Grove #1, Maple Grove.
28. 2016-048 Menards Yard Expansion, Maple Grove.
29. 2016-049 Medina Senior Living, Medina.
30. 2016-050 Southeast Rogers AUAR.

**XI. Adjournment.** There being no further business, motion by Walraven, second by Weir to adjourn. *Motion carried unanimously.* The meeting was adjourned at 12:17 p.m.

Respectfully submitted,



Recording Secretary

JAA:tim

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### STAFF REPORT

January 4, 2017

**2013-046 Woods of Medina, Medina.** This is two parcels totaling 9.5 acres located east of CR 116 and south of Hackamore Road. The site is proposed to be developed into 16 single-family residential lots. On January 13, 2015, the Commission approved this project with two conditions: 1) a pond operations and maintenance agreement must be provided, approved by the City and the Commission, and recorded on the title to the property. The recording must be done within 90 days of the final plat approval; and 2) a copy of the approved wetland replacement plan must also be provided. Final platting will be done when the landowner sells the property or decides to develop it himself. Although this project has not been constructed, it is still active with the City of Medina and remains approved by the Commission until it becomes inactive with the City.

**2014-015 Rogers Drive Extension, Rogers.** This project involves improvements along Rogers Drive from Vevea Lane to Brockton Lane. The project is located east of I-94, south of the Cabela development. The total project area is 8.0 acres; proposed impervious surfaces total 5.6 acres. Site plans received July 1, 2014 meet the requirements of the Commission with the exception of the nutrient control. Due to limited options to treat the nutrient loads on the east 1.7 acre portion of Rogers Drive, the Commission approved the site plan contingent upon the City deferring 4.6 lbs. of phosphorus for treatment in future ponding opportunities as the easterly corridor of Rogers Drive develops. 2.3 lbs. will be accounted for in the Kinghorn Spec. Building site plan with 2.3 lbs. still outstanding. This item will remain on the report until the total deferral is accounted for.

**2015-004 Kinghorn Outlot A, Rogers.** This is a 31 acre site located between the Clam and Fed Ex sites in Rogers on the west side of Brockton Road and I-94. The proposed site will have two warehouse buildings, 275,000 and 26,000 SF in size, with associated parking and loading facilities. The Commission standards require review of stormwater management, grading and erosion controls and buffers. At their June 2015 meeting the Commission approved this project with three conditions. Numerous revised plans have been received for Staff review. Once Rogers has authorized Staff to proceed, Staff will provide updated findings when the conditions are met.

**2016-002 The Markets at Rush Creek, Maple Grove.** This is a proposal to develop 40 acres of a 123 acre planned unit development located in the southwest quadrant of the intersection of CSAH 101 and CSAH 10. County Ditch 16 (Maple Creek) runs along the south property line on this project. The 40-acre project area includes a Hy-Vee grocery store (16.8 acres), a Hy-Vee gas station (2.5 acres) and 11 outlots (18.76 acres). Right-of-way accounts for 2.3 acres. The remaining acreage (83 acres) consists of 5 outlots and right-of-way. The additional outlot areas are not part of the stormwater review for this project but will be reviewed for compliance with the Commission's buffer and floodplain requirements. At their May 2016 meeting, the Commission granted Staff authority to administratively approve the project and report any updates. This project has been placed on hold by Hy-Vee. As long as it remains active with the City of Maple Grove, the Commission's approval with conditions remains in place.

**2016-004 Park Place Storage Site Plans, Corcoran.** The applicant is proposing to develop a 22-acre site in the southwest portion of the city into a multi-unit storage facility with associated access roads, utilities, and stormwater features. This will be an addition to the existing storage facility located west of the proposed project. New wetland permit revisions were approved by the Commission at their July 2016 meeting contingent upon final escrow and easement establishment for the wetlands during the site plan review process. New site plan information has been received but still does not meet the Commission standards. The applicant extended the 15.99 deadline to December 7, 2016. Revised plans were received September 29. Additional information on the filtration basins/benches was requested. Site plan information dated September 15, 2016 was approved by the Commission at their October meeting. Conditions of approval were: 1) Prior to any grading the Commission must receive either: a). BWSR certification of wetland banking withdrawals for

0.24 acres from bank account #1560 and 0.24 acres from bank account #1183, or b) A wetland replacement plan escrow for \$45,000, which will be released upon providing the information from item 1a. 2) An operation and maintenance agreement, acceptable to the City and the Commission must be provided for review and approval to the Commission. The O&M agreement must be recorded on the land title and a copy of the recorded document provided to the Commission. 3) Final drainage tile pipe details, elevations and connections to the outlet control structures must be provided for final review and approval and 4) Final erosion and sediment control plans must be approved by Commission Staff. Item 4 was received and approved by Staff on October 26, 2016. The \$45,000 escrow was received on November 10, 2016.

**2016-005W Ravinia Wetland Bank, Corcoran.** In February 2016, Lennar Corporation submitted a Wetland Banking Concept Plan for Phase II of the Ravinia Development in Corcoran. This plan has been withdrawn in favor of an onsite wetland replacement plan. Wetland impacts from the final phases of this development will be 1.17 acres. The developer is proposing to restore, enhance and create 3.3 acres of wetland credits and 1.24 acres upland buffer credits on site. The original wetland delineation was approved by the Commission (as LGU) on September 9, 2013. The project was noticed per MN WCA requirements on August 27, 2016. Comments were accepted until September 30. A TEP was held on October 3 on the replacement plan. The TEP and applicant agreed to revise the plan so wetland restoration and creation were limited on one basin for a better wetland. A revised wetland permit application was received November 28, 2016, and Staff issued the Notice of Application on December 1, 2016, with the comment period closing December 30, 2016. *An updated findings and recommendation will be provided to the Commission at their January meeting.*

**2016-038 AutoMotorPlex, Medina.** This 22.17 site is located on the northeast corner of County Roads 115 and 118. The site will be re-platted into two lots, 19.17 acres and 3 acres. At this phase only the northern 19.17 acres will be developed into commercial automobile condominiums and retail area. At its October 12, 2016 meeting, the Commission granted administrative approval authority to Staff. Final revisions were received on October 24. Staff reviewed the plans and issued an administrative approval on October 31, 2016, with the following conditions: a) show Erosion and Sediment Control, Rule E, requirements on the final plan set; b) submit a final plan set signed by a Professional Engineer; c) submit a copy of the O&M plan for the stormwater management basins and devices (ponds and filter benches, bio-filtration basins, dynamic separators, etc.) within 90 days following the final plat approval, if required by the City; and submit a copy of the proposed final plat, showing the drainage easements on both lots. *No new information has been received.*

**2016-040 Kinghorn 4th Addition, Rogers.** This is a 13.7-acre parcel located in the northwest corner of the intersection of Brockton Lane and Rogers Drive. An industrial warehouse with 8.8 acres of new impervious area is proposed for the site. The plan includes the use of a NURP pond and a biofiltration basin to meet Commission requirements for rates, water quality and abstraction. The adjacent site is likely to be developed in the near future and some of the stormwater features were oversized to accommodate future development. At their November 2016 meeting the Commission approved the project with the following conditions: 1) approval of only this phase; future phases will need additional review and approval; 2) final modifications to the hydrologic modeling; 3) additional details are provided for a proposed water re-use system; 4) an O&M Plan for the pond and biofiltration basin is completed and recorded on the final plat; 5) modification of the storm sewer system to maximize the area draining to the NURP pond; and 6) receipt and review of any wetland-related documentation if wetlands are present. Condition #1 required no action, so the condition has been met. Condition #2 has been met for the current design; however, any future modifications to the design will require additional review. Conditions #3-6 remain outstanding and are expected to be addressed during final design in Spring 2017.

**2016-041 Bartus Subdivision, Plymouth.** This site is approximately 10 acres located on the northwest side of the intersection of CR 47 and Troy Lane, just west of the Sands parcel (2016-039). The stormwater management plan was reviewed with the Sands parcel. At its October 12, 2016 meeting, the Commission approved this project with the following conditions: a) issues outlined in Staff findings memorandum dated October 5, 2016 must be incorporated into the plans; and b) a copy of the O&M plan must be submitted within three months following the final plat approval. The Applicant's agent requested to extend the review deadline to June 1st 2017. They are working on the comments from the Commission but will not seek wetland approvals until the developer is ready to move forward.



**2016-045W Brothers Mini Storage Wetland Replacement Plan, Corcoran.** This is a wetland violation where filling occurred during site improvements at the back of an existing storage facility. Filling appears to have been done around the week of July 18 to accommodate additional outside storage area. A TEP held on site on September 6 determined that approximately 4,125 SF of wetland was filled, including an inadvertent impact done during the construction of the site in 1998. A restoration order was issued for the violation and for the landowner to comply with the Commission and WCA requirements. The landowner has applied for a wetland replacement plan for the fill. The plan was noticed on October 14 and requests that the fill be allowed and be replaced at a 2:1 ratio by purchasing credits from Anoka County wetland bank account 1409. Restoration would not be prudent because of a need for a turn-around in this area. The TEP met on November 3 and recommended a replacement ratio of 4:1 and an escrow of \$3/SF. The applicant was present at the Commission's November 9 meeting to answer Commissioners' questions and to request replacement at 2:1. Due to the mitigating circumstances and following discussion, the Commission approved replacement at 2:1 – 1:1 in Hennepin County and 1:1 in another area per WCA and the Commission's replacement schedule and with no requirement for an escrow. Staff issued the Notice of Decision on November 18, 2016. A Transaction Form for Withdrawal of Wetland Credits from the MN Wetland Bank was signed by Staff on November 28, 2016, for a total replacement requirement of 0.1894 acres. *No new information has been received.*

**2016-047 Hy-Vee North Maple Grove.** The applicant is proposing to disturb 13 acres of a 20.4-acre site located at the northeast corner of Maple Grove Parkway and 99th Ave (just south of the future Highway 610) for the purpose of constructing a grocery store, fuel station, convenience store and parking facilities. The applicant's engineer was present at the November meeting to have preliminary discussions regarding the use of retaining walls to minimize wetland impacts on the site. The engineer indicated all stormwater will be directed to internal features; there will be no ancillary overland drainage. The retaining walls will not totally surround the wetlands, which do not serve as stormwater ponds. All water entering the wetlands will be clean water. Discussion included enhancing the low quality wetlands, particularly the wetland in the southwest corner of the site, to mitigate total disturbances. The engineer was requesting interpretation from the Commission on their 25' average and 10' minimum standard for a buffer when a retaining wall is used to minimize wetland impacts. The Commission felt there had to be some type of mitigating compensation for such a scenario, but could not provide specifics on this site plan since it has not been submitted for review to the Commission and the LGU has yet to approve a wetland replacement or buffer plan. *A revised plan was submitted on December 1, 2016. Staff sent preliminary review comments and requested revisions on December 14. No new information has been received. If available, Staff may present findings at the meeting.*

**2016-049 Medina Senior Living, Medina.** This is a preliminary plan and requires no action at this time.

**2016-050 SE Rogers AUAR.** *Staff administratively reviewed the AUAR and emailed their comments to the City of Rogers (RGU) on December 12, 2016. This item will be removed from the report.*

**2016-051 Grove Circle Medical Office Building, Maple Grove.** *This is a 2.1 acre lot that was platted and rough graded as part of The Grove PUD site development (2005-027). It is located adjacent to the Cambria Suites Hotel at the northeast corner of the intersection of I-94 and Maple Grove Boulevard. The applicant proposes to construct a two story, 30,000 SF building and associated parking facilities. The project was in compliance with the City of Maple Grove PUD requirements and the Commission's Second Generation Management Plan. Staff approved the site plans. This item will be removed from the report.*

**2016-052 The Woods at Rush Creek, Maple Grove.** *This project combines five parcels (40 acres total) into 73, single family residential lots. It is located on CR 101 south of the Rush Creek Golf Course and north of the Lord of Life Lutheran Church. The majority of the site drains into Cook Lake which is located immediately west of this development. The Commission's review will be for compliance with the Commission's rules D (stormwater management), E (erosion control), G (wetland alteration) and I (buffer strips). The project is currently being reviewed. If available, an update and recommendation will be provided to the Commission at their meeting.*

**FINAL RECORDINGS ARE DUE ON THE FOLLOWING PROJECTS:**

**2015-006 Veit Building and Parking Lot Addition, Rogers.** Approved on May 13, 2015, pending the SAFL-Baffle weir being covered by an easement and the appropriate operation and maintenance agreement being obtained and recorded with the property.

**2015-013 Wayzata High School, Plymouth.** Approved with conditions on July 8, 2015. Awaiting final recording of the plan.

**2015-020 Strehler Estates, Corcoran.** Approved on January 10, 2015 contingent upon a conservation easement being recorded on the property title.

**2015-030 Kiddiegarten Child Care Center, Maple Grove.** This project was approved by the Commission at their December 9, 2015 meeting. If the City of Maple Grove does not take over the operation and maintenance of the underground system and the sump catch basins, an O&M agreement for the underground trench/pond system must be approved by the Commission and the City and recorded with the title.

**2016-014 Balsam Apartments, Dayton.** Approved April 13, 2016, pending recordation of an Operation and Maintenance agreement with an O&M plan.

**2016-018 Cambridge Park, Maple Grove.** Approved on July 13, 2016, subject to recorded preservation easements and pond maintenance provided by the City or through an approved operation and maintenance agreement recorded on the property title. Preliminary easements and operation and maintenance agreements for the ponds and preservation areas were received and approved by Commission Staff. Final proof of recording of the documents is still needed.

**2016-019 Just for Kix, Medina.** Approved June 8, 2016. Awaiting recordation of corrected O & M plan agreement for the bio-filtration basins.

**2016-021 Diamond View Estates, Dayton.** Approved June 8, 2016, contingent that, if the City of Dayton/homeowners are to maintain the ponds and the bio-filtration basin, an operation and maintenance plan agreement must be submitted for approval to the City and the Commission and recorded within 90 days of the final plat approval.

**2016-022 AutoZone, Maple Grove.** At their June 8, 2016 meeting, the Commission approved Staff's findings dated June 1, 2016, with the condition of recording an approved O & M Plan within 90 days of the final plat approval.

**2016-026 Faithbrook Church, Dayton.** Approved August 10, 2016, with the stipulation that an approved O&M plan be recorded with the property within 90 days following final plat approval.

**2016-039 Sands Parcel (The Fields at Meadow Ridge), Plymouth.** This is a 20.5-acre site located on the northeast side of the intersection of CR 47 and Troy Lane North. The site is proposed for a 46 single-family residential home development. *The plans were submitted together with the adjacent 2016-041 Bartus site. At its October 12, 2016 meeting, the Commission approved the project conditioned that an O&M plan be recorded within 90 days following the final plat approval.*

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-----Original Message-----

From: James C Kujawa [mailto:James.Kujawa@hennepin.us]  
Sent: Monday, December 12, 2016 2:24 PM  
To: sstahmer@ci.rogers.mn.us  
Cc: Ali Durgunoglu; judie@jass.biz; David J Jaeger; John Evans  
Subject: 2016-050 SE Rogers AUAR Five year update.

Mr. Steve Stahmer,

On behalf of the Elm Creek Watershed Management Commission, I would like to provide the following comments on the Southeast Rogers Alternative Urban Area Wide Review, Five Year Update;

According to the AUAR scenarios, a large portion of the sod fields will be converted to urban residential or commercial development. Please note, in the past, and I would assume there would not be any changes today, the sod fields have been considered wetlands under normal conditions by the ACOE and ECWMC (see attached ACOE determination dated 7/9/2008). In addition a large portion is considered flood plain (see N Fork Rush Creek Flood) and would need floodplain mitigation for any fill placed below the Elm Creek WMC flood plain elevations.

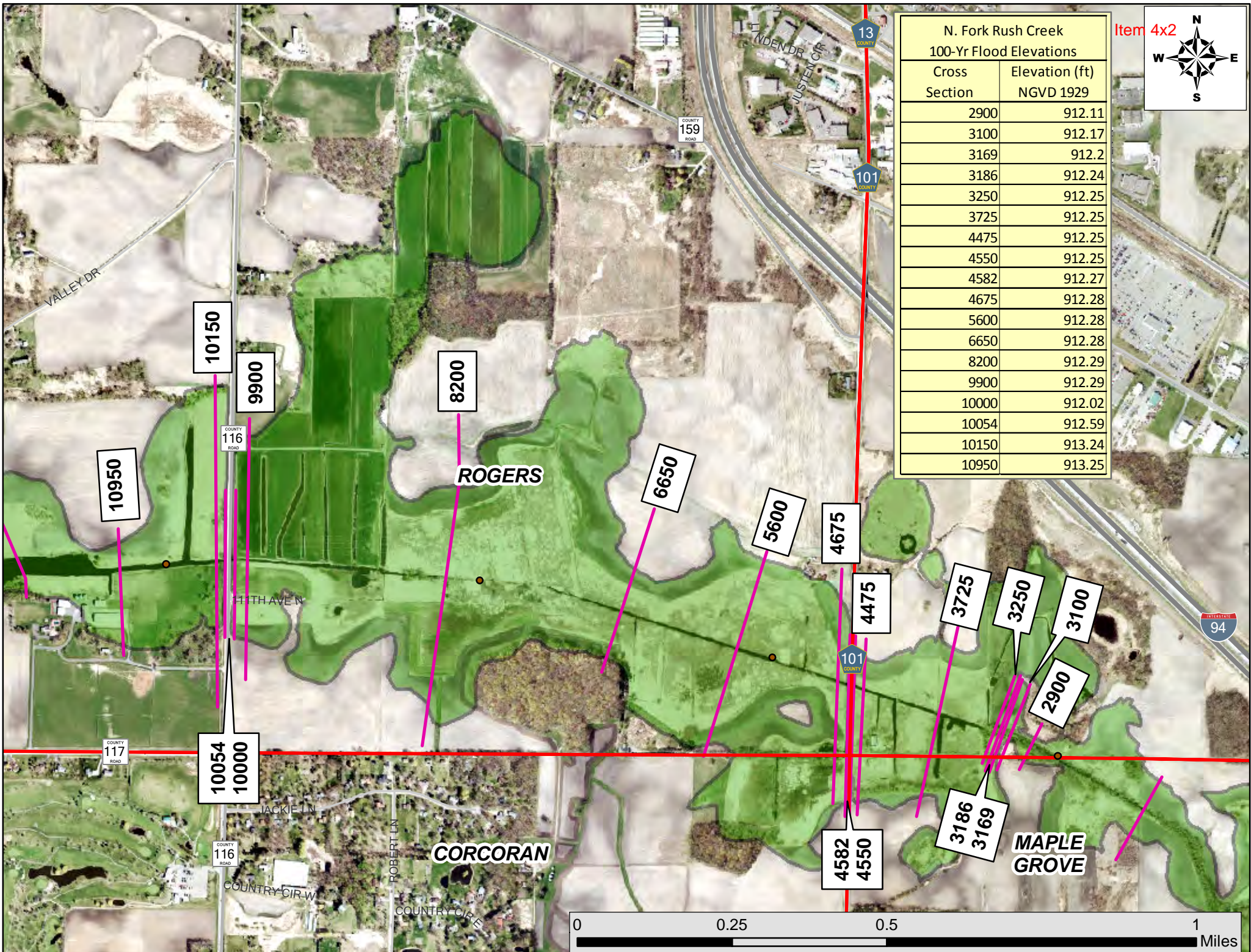
Both issues would have an effect on the proposed scenarios.

Jim

James C. Kujawa  
Hennepin County Public Works  
Department of Environment and Energy  
701 Fourth Avenue South, Suite 700  
Minneapolis, MN 55415  
Direct Phone: 612-348-7338  
Email: james.kujawa@hennepin.us

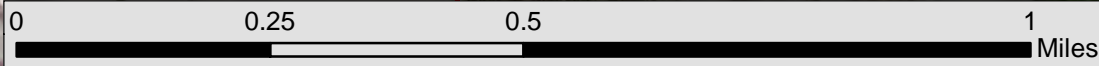
Disclaimer: If you are not the intended recipient of this message, please immediately notify the sender of the transmission error and then promptly delete this message from your computer system.

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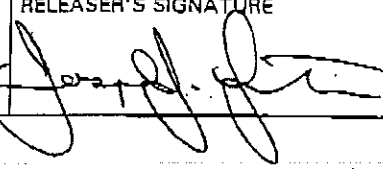
N. Fork Rush Creek  
100-Yr Flood Elevations

Cross Section	Elevation (ft) NGVD 1929
2900	912.11
3100	912.17
3169	912.2
3186	912.24
3250	912.25
3725	912.25
4475	912.25
4550	912.25
4582	912.27
4675	912.28
5600	912.28
6650	912.28
8200	912.29
9900	912.29
10000	912.02
10054	912.59
10150	913.24
10950	913.25



## FACSIMILE TRANSMITTAL HEADER SHEET

For use of this form, see AA 28-11; the proponent agency is ODISC4

COMMAND/ OFFICE	NAME/ OFFICE SYMBOL	OFFICE TELEPHONE NO. (AUTOVON/Comm.)	FAX NO. (AUTOVON/Comm.)			
FROM: USACE	JOE YANDA	651-290-5362	651-290-5330			
TO: BWSR HCES	TRAVIS GERMUNDSON	651-297-4958	651-297-5615			
	LYNDA PETERSON	612-201-9806				
	JAMES KULAWA	612-348-7338	612-348-8532			
CLASSIFICATION	PRECEDENCE	NO. PAGES (Including this Header)	DATE-TIME	MONTH	YEAR	RELEASER'S SIGNATURE
		3	9-11:10	7	2008	
REMARKS						
STONE'S THROW LETTER						

Space Below For Communications Center Use Only



**DEPARTMENT OF THE ARMY**  
ST. PAUL DISTRICT, CORPS OF ENGINEERS  
SIBLEY SQUARE AT MEARS PARK  
190 FIFTH STREET EAST, SUITE 401  
ST. PAUL MINNESOTA 55101-1638

REPLY TO  
ATTENTION OF

Operations  
Regulatory (2008-1791-JJY)

**JUL 09 2008**

Ms. Susan D. Steinwall  
Attorney at Law  
Fredrickson & Byron, P.A.  
200 South Sixth Street, Suite 4000  
Minneapolis, Minnesota 55401-1425

Dear Ms. Steinwall:

Your May 23, 2008, letter requests a determination on whether the Corps of Engineers has jurisdiction over the Stone's Throw development site and approval of your client's wetland delineation as set forth in an April 18, 2008, letter to Mr. James Kujawa.

This letter outlines our position on the sod fields. We also will provide a subsequent letter with approved jurisdictional determinations for the sod fields and other potential jurisdictional wetlands on the site.

In short, it appears that many wetlands on the site, including the ditches and other sod field wetlands may be jurisdictional waters under Section 404 of the Clean Water Act, although a number of small, isolated wetlands across the site may be nonjurisdictional. However, the major question is whether portions of the sod fields are wetlands under normal circumstances, or whether they are effectively drained by the ditches and the pumping and converted to nonwetland. You and your client argue that they are effectively drained and should be considered Prior Converted Wetlands.

We do not believe that the USDA Prior Converted (PC) Wetland designation applies to these fields, and we have not seen any USDA determination for this site. Although ditching and some manipulation occurred in these fields before December 23, 1985, the southern fields were converted to sod long before the extensive modifications of the mid-1980s occurred. Sod fields are not the type of commodity crop fields that PC designation covers. No commodity crops were harvested after the berm construction, ditch improvements, and existing pump installation. Moreover, the northern sod fields were manipulated in the 1990s, when a Corps of Engineers permit was necessary for such work (see the following paragraph) and long after the December 23, 1985 deadline for PC status. Finally, with the Stone's Throw development, the fields would be converted to a nonagricultural use. Your April 18, 2008, letter to James Kujawa notes that PC designation applies only as long as the "site remains in agricultural use. FSA Manual at Section 514.31(b)."

We also do not believe that the pumping is part of the normal circumstances for this site. In some other situations (public drainage systems, court-ordered pumping, or other legally-required drainage), relatively permanent pumping may be considered part of

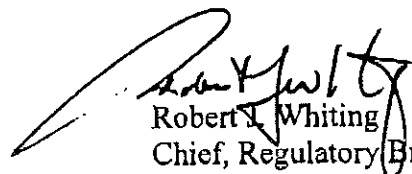
-2-

the normal circumstances, but none of those situations applies to these sod fields. The sod farm simply pumps as much as it wishes. Your April 18, 2008, letter cites paragraph 75 of the 1987 Corps of Engineers Wetland Delineation Manual as evidence that the Corps recognizes pumping as one of the methods that can alter an area's hydrology, but this paragraph is from "Section F. Atypical Situations," which discusses delineations made in situations where human or natural events have changed one or more of the wetland indicators. Such alterations include removal of hydrology by pumping. In these situations, a delineator must determine whether positive indicators of hydrophytic vegetation, hydric soils, or wetland hydrology existed before the alteration. Section F also notes that it "is especially important to determine whether the alteration occurred prior to implementation of Section 404." Some alteration (mainly ditch construction) occurred before implementation of Section 404, although construction of the current berms, ditch improvements, and other work, including installation of the pumps, occurred afterwards. Some of this work required a Corps of Engineers permit. Fricke and Sons Sod did a voluntary restoration in 1992 to undo some of the unauthorized improvements that increased drainage in the sod fields (Corps file 1992-023220-ATF-RJA). Although this restoration resolved the Section 301 violation of the Clean Water Act for work done before August 27, 1992, it did not authorize additional drainage improvements and is not an indication that wetlands in the sod fields were considered effectively drained.

As noted earlier, we will provide written jurisdictional determinations for the site. A number of different determinations will be required, because the site includes ditched, bermed, and pumped sod fields; other wetlands abutting Rush Creek; wetlands with tributary connections to Rush Creek; wetlands that may have a significant nexus to Rush Creek and the Mississippi River; and wetlands that may be isolated, nonjurisdictional areas. Some determinations may require coordination within the Corps and with the U.S. EPA. I do not expect any of the other determinations to be as problematic as the sod fields.

If you have any questions or wish to arrange a meeting to discuss these issues in more detail, please contact Mr. Joseph Yanta in our St. Paul office at (651) 290-5362 or by mail. An informal discussion might help both sides understand the other's position more clearly and more quickly than a continuing exchange of additional letters would. When we provide the approved jurisdictional determinations for this site, you may appeal any of those, including the determinations for the sod fields, although it may more expeditious to resolve the issue of the sod fields informally before undertaking a formal appeal. Doing so may save a great deal of time and effort.

Sincerely,

  
Robert L. Whiting  
Chief, Regulatory Branch

# elm creek

## Watershed Management Commission

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E-mail: [james.kujawa@hennepin.us](mailto:james.kujawa@hennepin.us)

### **Grove Circle Medical Office Building** **Maple Grove, Project #2016-051**

**Project Overview:** This is a 2.1 acre lot that was platted and rough graded as part of The Grove PUD site development. It is located adjacent to the Cambria Suites Hotel at the NE corner of the intersection of I-94 and Maple Grove Boulevard. This lot was part of a PUD that was reviewed and approved by the Commission under project 2005-027. The applicant proposes to construct a two story, 30,000 sq. ft. building and associated parking facilities. This review will be for compliance to the City of Maple Grove PUD requirements and the Commission's 2<sup>nd</sup> Generation Stormwater Management Plan.

**Applicant:** MSP Maple Grove Medical, Attn. Alex Young, 1215 Town Center Drive, Suite 130, Eagan, MN 55123. Phone: 651-287-8891. Email: [ayoung@mspccommercial.net](mailto:ayoung@mspccommercial.net)

**Agent:** Loucks Associates, Attn. Sam Trebesch, 7200 Hemlock Lane N., Suite 300, Maple Grove, MN 55369. Phone: 763-496-6751. Email: [strebesch@loucksinc.com](mailto:strebesch@loucksinc.com)

#### **Exhibits:**

- 1) ECWMC Request for Plan Review and Approval, received December 15, 2016.
- 2) Review fees for 2.1 acres commercial, new development, \$530.00.
- 3) Maple Grove Medical Office Building Site Plan dated December 12, 2016.  
Sheets, C1-1, C1-2, C2-1, C3-1, C3-2, C3-3, C4-1, C8-1, L1-1.
- 4) Maple Grove Assistant City Planner, Peter Vickerman's email dated March 3, 2016.
- 5) ECWMC project 2005-027 The Grove/Ruppert PUD findings dated June 23, 2005.

#### **Findings:**

- 1) A complete application was received on December 15, 2016. The initial 60-day review period per MN Statute 15.99 expires February 13, 2017.
- 2) Based on email correspondence from the City of Maple Grove planner, Peter Vickerman, the City of Maple Grove determined The Grove PUD falls within the confines of MN Statute 462.358 Subd. 3c, development approval extension for planned or staged development projects (PUD's). Staff agrees with Mr. Vickerman's assessment based on the following:



Grove Circle Medical Building (2016-051)  
Maple Grove  
December 21, 2016  
Page 2 of 3

- a. The City has determined that the Grove PUD plat has been extended, and the Commission's project review should fall under the stormwater management plan that was approved by the City at the time of the plat and as extended to the current date.
  - b. The stormwater management plan approval for project 2005-027 was based on the Commission's 2<sup>nd</sup> Generation Plan which required the proposed drainage to be directed to on-site regional ponds. Proposed drainage is directed to the regional pond south and west of this lot, per the original plan approval.
  - c. Stormwater rates and nutrient controls must be based on 75% or less impervious cover for site development. Proposed impervious cover is 67%.
- 3) Erosion and sediment controls meet the Commission's requirements.

**Decision:**

Approved

Hennepin County Public Works  
Department of Environment and Energy



James Kujawa  
Advisor to the Commission

December 21, 2016  
Date

### Location Map



Table 4.5. Elm Creek Third Generation Plan Capital Improvement Program.

Description	Location	Priority	Est Proj Cost	Partners	Funding Source(s)	Estimated Commission Cost					
						2015	2016	2017	2018	2019	2020-2024
<b>Special Studies</b>											
TMDL implementation special study	Watershed	H	225,000	Cities, HCEED	Operating budget	0	25,000	25,000	25,000	25,000	125,000
Stream segment prioritization	Watershed	H	20,000	Cities, HCEED, TRPD	Operating budget	10,000	0	0	0	10,000	0
<b>High Priority Stream Restoration Projects</b>											
Elm Cr Reach E	Plymouth	H	1,086,000	Commission, Plymouth	County Levy	250,000	Levied in 2015				
CIP-2016-RO-01 Fox Cr, Creekview	Rogers	H	321,250			0	80,312	0	0	0	0
Mississippi Point Park Riverbank Repair	Champlin	M	300,000			0	75,000	0	0	0	0
Elm Creek Dam	Champlin	H	7,001,220			0	187,500	0	0	0	0
Tree Thinning and Bank Stabilization Project	Watershed	H	50,000			0		50,000	50,000	50,000	250,000
Fox Cr, Hyacinth	Rogers	M	360,000			0	0	90,000	0	0	0
Fox Cr, South Pointe, Rogers	Rogers	M	90,000			0	0	22,500	0	0	0
Other High Priority Stream Project	Watershed	H	500,000			0	0	0	125,000	125,000	250,000
CIP-2016-MG-02 Rush Creek Main	Maple Grove		1,650,000				75,000	75,000	75,000	25,000	
CIP-2016-MG-03 Rush Creek South	Maple Grove		675,000								
<b>High Priority Wetland Improvements</b>											
DNR #27-0437	Maple Grove	L	75,000	Cities	Cities, Commission	0	0	0	0	0	18,750
Stone's Throw Wetland	Corcoran	M	450,000			0	0	112,500	0	0	0
Other High Priority Wetland Projects	Watershed	L	100,000			0	0	0	0	0	25,000
CIP-2016-MG-01 Ranchview Wetland Restoration	Maple Grove		2,000,000					250,000			
<b>Lake TMDL Implementation Projects</b>											
Mill Pond Fishery and Habitat Restoration	Champlin	H	5,000,000	Cities, lake assns.	Cities, Comm, grants, owners	0	0	250,000	0	0	0
Other Priority Lake Internal Load Projects	Watershed	M	100,000			0	0	0	0	0	25,000
CIP-2016-MG-04 Fish Lake Alum Treatment-Phase 1	Maple Grove	H	300,000	City, TPRD, Comm, lake assn	City, TRPD, grants, Comm, county levy, lake assn		75,000				
Stonebridge	Maple Gr	M	200,000			0		50,000	0	0	0
Rain Garden at Independence Avenue	Champlin	L	300,000			0		75,000	0	0	0
CIP-2016-CH-01 Mill Pond Rain Gardens	Champlin	M	400,000			0	0		100,000	0	0
Other Priority Urban BMP Projects	Watershed	L	200,000			0	0	0	0	0	50,000
<b>Other</b>											
Livestock Excl, Buffer & Stabilized Access	Watershed	M	50,000	Cities, owners, U Extension, NRCS	Cities, owners, Comm, NRCS	0	0	0	50,000	0	50,000
Agricultural BMPs Cost Share	Watershed	H	50,000	Cities, owners, U Extension, NRCS	Cities, owners, Comm, NRCS	0		50,000	50,000	50,000	100,000
CIP-2016-RO-04 Ag BMPs	Rogers				Operating budget						
CIP-2016-RO-03 Downtown Pond Exp & Reuse	Rogers		406,000						101,500		
Hydrologic & Hydraulic Modeling	Watershed	L	25,000	HCEE	Commission	0	0	0	25,000	0	0
Fourth Generation Plan	Watershed	H	70,000		Commission	0	0	0	0	0	\$70,000
<b>TOTAL STUDIES</b>			<b>245,000</b>		<b>COMM SHARE TOTAL STUDIES</b>	<b>10,000</b>	<b>25,000</b>	<b>25,000</b>	<b>25,000</b>	<b>35,000</b>	<b>125,000</b>
<b>TOTAL CIPS</b>			<b>\$21,759,470</b>		<b>COMM SHARE TOTAL CIPS</b>	<b>\$250,000</b>	<b>\$492,812</b>	<b>\$1,025,000</b>	<b>\$576,500</b>	<b>\$250,000</b>	<b>\$838,750</b>

## EXHIBIT A

**Elm Creek Watershed Management Commission  
Capital Improvement Project Submittal**

*(This submittal will be rated on its completeness and adherence to the goals of the Commission.  
A second page may be used to provide complete responses.)*

City		
Contact Name		
Telephone		
Email		
Address		
Project Name		
	1. Is project in Member's CIP? ( ) yes ( ) no	Proposed CIP Year =
	2. Has a feasibility study or an engineering report (circle one) been done for this project? ( ) yes ( ) no	
		Amount
	Total Estimated Project Cost	\$
	Estimated Commission Share (up to 25%, not to exceed \$250,000)	\$
	Other Funding Sources (name them)	\$
		\$
	3. What is the scope of the project?	
	4. What is the purpose of the project? What water resource(s) will be impacted by the project?	
	5. What is the anticipated improvement that would result from the project? (Include size of area treated and projected nutrient reduction.)	
	6. How does the project contribute to achieving the goals and programs of the Commission?	
0/10	7. Does the project result from a regulatory mandate? ( ) yes ( ) no How?	
0/10/20	8. Does the project address one or more TMDL requirements? ( ) yes ( ) no Which?	
0/10/20	9. Does the project have an educational component? ( ) yes ( ) no Describe.	
0/10	10. Do all the LGUs responsible for sharing in the cost of the project agree to go forward with this project? ( ) yes ( ) no Identify the LGUs.	
10/20	11. Is the project in all the LGUs' CIPs? ( ) yes ( ) no	
1-34	(For TAC use) 12. Does project improve water quality? (0-10) 13. Prevent or correct erosion? (0-10) 14. Prevent flooding? (0-5)	15. Promote groundwater recharge? (0-3) 16. Protect and enhance fish and wildlife habitat? (0-3) 17. Improve or create water recreation facilities? (0-3)
TOTAL (poss 114)	Adopted April 11, 2012	