

# elm creek Watershed Management Commission

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## Technical Advisory Committee Meeting Minutes | October 11, 2023

I. A meeting of the **Technical Advisory Committee (TAC)** of the Elm Creek Watershed Management Commission was called to order at 10:02 a.m., Wednesday, October 11, 2023, in the Plymouth Community Center, 14800 34th Avenue North, Plymouth, MN, by Chair Derek Asche.

Present: Kevin Mattson, Corcoran; Josh Accola, Stantec, Dayton; Derek Asche, Maple Grove; Rebecca Haug, WSB, Medina; Ben Scharenbroich, Plymouth; Andrew Simmons, Rogers; Diane Spector and Erik Megow, Stantec; Kris Guentzel and Kevin Ellis, Hennepin County Environment and Energy (HCEE); and Judie Anderson, JASS.

Not represented: Champlin.

Also present: Doug Baines, Dayton.

II. Motion by Simmons, second by Mattson to approve the **Agenda** as presented. *Motion carried unanimously.*

III. Motion by Haug, second by Simmons to approve the **Minutes** of the July 12, 2023, meeting. *Motion carried unanimously.*

IV. **Rules Relating to Small Redevelopment Projects.**\* Staff is requesting input from the members regarding how small redevelopment projects are reviewed and how the definition of “land disturbing activity” is interpreted. Recent small redevelopment projects prompted this discussion when Commission staff and City staff interpreted the rules in slightly different ways. Staff requests review and clarification for consistency in interpretation, Commission intent, and with the Minnesota Pollution Control Agency’s (MPCA) municipal separate storm sewer system (MS4) General Permit requirements.

The Commission’s Stormwater Rule is triggered when there is “any land development or site development that disturbs more than 1 acre of land.” The Commission’s current definition of Land Disturbing Activity is:

**Land Disturbing Activity.** Any change of the land surface to include removing vegetative cover, excavation, fill, grading, and the construction of any structure that may cause or contribute to erosion or the movement of sediment into waterbodies. The use of land for agricultural activities, or improvements such as mill and overlay or concrete rehabilitation projects that do not disturb the underlying soil shall not constitute a land disturbing activity under these Rules.

The Commission’s definition closely follows the Minnesota Pollution Control Agency’s definition of construction activity. Per MPCA and MS4 guidelines, MS4 programs, “must address construction activity with land disturbance of greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, within the permittee’s jurisdiction and that discharge to the permittee’s MS4.”

The MPCA defines construction activity as follows:

**Construction Activity** means activities including clearing, grading, and excavating, that result in land disturbance of equal to or greater than one acre, including the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one acre. This includes a disturbance to the land that results in a change in the topography, existing soil cover, both vegetative and nonvegetative, or the existing soil topography that may result in accelerated stormwater runoff that may lead to soil erosion and movement of sediment.

There have been two recent projects in the watershed where interpretation of the Commission's definition of land disturbing activity has come into question. For both sites/projects, the applicants were redeveloping sites currently used as parking areas and although the Project Areas exceeded one acre, there was less than one acre of land disturbing activity under the current definition, and additional stormwater practices were not required.

**A.** Dunkirk Square (Project Review 2032-020) This project did not result in an increase of impervious surface and there is no degradation to downstream waterbodies.

**B.** Redevelopment for Childcare Site (PIDs 3411922120019 and 3411922120011). For the future Childcare site, the project would likely increase pollutant loads (TP and TSS) due to an increase in impervious surface. However, future development/redevelopment of the adjacent parcel would likely trigger both parcels requiring stormwater treatment.

The difficulty in interpreting the Land Disturbing Activity definition came when Commission and City Staffs were trying to interpret the **level of grading, fill, and excavation that constitutes a land disturbing activity and what activities fall under concrete rehabilitation projects**. Therefore, Staff would like to discuss these two projects in order to decide whether to:

1. Continue our current interpretation of land disturbing activity and keep the current definition,
2. Update our current definition of land disturbing activity, or
3. Add additional language to ensure these small redevelopment projects are incorporating stormwater BMPs.

Members also considered adding the Shingle Creek Watershed Management Commission's guidance of requiring stormwater BMPs for site redevelopment projects that disturb between 0.5 and 1.0 acres.

Review thresholds will be discussed at the next TAC meeting.

**V. South Fork Rush Creek.\***

**A.** Staff have completed a **draft [interactive map of the South Fork Rush Creek subwatershed assessment](#)** for initial review. This map, [South Fork Rush Creek – SWA \(arcgis.com\)](#), was created based on:

1. Inventory, acquisition, and formatting of pertinent geospatial data products at state, county, and city levels as identified during the project kick-off meeting.
2. Development of required custom inputs for the Agricultural Conservation Planning Framework (ACPF) tool.
3. Generation of optimal Best Management Practice (BMP) locations identified using the ACPF tool. Note that these BMPs have not yet been ground-truthed, so there may be some that are eliminated

based on development subsequent to the base map data or simply based on lack of suitability.

4. Total phosphorus and total suspended solids delivery estimates by sub-catchment, developed using the PTMApp.

B. Staff are seeking the TAC's input on:

1. The practicality/suitability of BMP locations *and* BMP types.
2. Suggestions for additional data layers and/or map functionality.
3. Identification of particular parcels or sub-catchments of interest.
4. Any general feedback.

Suggestions from the members included incorporating channel conditions, load reduction priority areas, areas of likely projects, and development areas occurring in the next five years.

**VI. WMWA Educator Special Project Follow-up.** Last month Staff briefly introduced some ideas for an initial discussion regarding development of potential outreach ideas with the joint WMWA coordinator. The Watershed-Based Implementation Funding grant workplan supporting the shared coordinator calls for implementing at least four "special projects" across the five participating WMOs. Examples cited in the work plan were workshops for residents/property owners/business owners, perhaps with follow-up small grants and/or onsite consultation; or multi-family housing equitable engagement projects, likely in partnership with Metro Blooms, similar to projects undertaken in the Shingle Creek watershed at multi-family housing sites that include updated stormwater management as well as other site improvements.

A. The shared coordinator, Grace Barcelow, has asked each WMO to express a preference for what type of special project might be a good fit for their watershed. Staff are not aware of potential multi-family projects currently, so they are focused on workshop ideas. Regardless of which option the Commission prefers, it is likely that implementation would not occur until spring 2024. Some ideas from Staff include:

1. Customizing the existing Blue Thumb Resilient Yards workshop ([Workshops & Events – Blue Thumb](#)), offering free on-site consultation and planting stipends to participants.
2. As suggested by Corcoran, developing a new workshop and online resource targeted at HOA members regarding strategies for maintaining their green spaces and understanding how to manage and maintain their on-site BMPs.
3. Develop a new workshop based on other ideas the Commissioners might have. This may require an additional financial commitment from the Commission depending on how much customization or workshop development would be required.

B. Spector noted that Hennepin County staff like the HOA-focused resources but were hesitant to use WBIF funding because 1) the focus was on maintaining existing BMPs rather than installing new BMPs, and 2) properly maintaining BMPs is related to a regulatory requirement, which is typically ineligible for grant-funded activities. After some discussion, the TAC expressed an interest in developing outreach and technical/financial resources to property owners interested in installing infiltration and treatment BMPs to intercept runoff prior to entering surface water such as a lake, stream, wetland or pond.

Staff will work with Barcelow to develop needs, objectives, and desired outcomes before formally developing work products. This topic will also be discussed at the upcoming regular meeting.

**VII.** Members will be notified of the date of the **next meeting** of the Technical Advisory Committee.

There being no further business, the meeting was adjourned at 11:32 a.m.

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Respectfully submitted,



Judie A. Anderson  
Recording Secretary  
JAA:tim

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