

elm creek Watershed Management Commission

ADMINISTRATIVE OFFICE
3235 Fernbrook Lane • Plymouth, MN 55447
PH: 763.553.1144 • email: judie@jass.biz
www.elmcreekwatershed.org

May 4, 2022

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, May 11, 2022, at 11:30 a.m.** in the Mayor's Conference Room at Maple Grove City Hall, 12800 Arbor Lakes Parkway, Maple Grove, MN.

The Commission will suspend its regular meeting at 11:30 a.m. for the purpose of conducting a public meeting on a proposed Minor Plan Amendment to adopt revisions to its Capital Improvement Program and its Rules and Standards. The regular meeting will resume immediately after the public meeting concludes.

Please email me at judie@jass.biz to confirm whether you or your Alternate will be attending the regular meeting.

Thank you.



Judie A. Anderson
Administrator
JAA:tim

Encls: Meeting Packet

cc:	Alternates	Erik Megow	James Kujawa	Rebecca Carlson	Ed Matthiesen
	TAC Members	Karen Galles	Kris Guentzel	Kevin Ellis	Diane Spector
	City Clerks	Brian Vlach	BWSR	Met Council	MPCA
	Official Newspaper		DNR		

Z:\Elm Creek\Meetings\Meetings 2022\05 Regular and Public Meeting Notice.

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AGENDA Regular Meeting May 11, 2022

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Mayor's Conference Room, Maple Grove City Hall, 12800 Arbor Lakes Parkway, Maple Grove, MN.

1. Call Regular Meeting to Order.
 - a. Approve Agenda.*
2. Consent Agenda.
 - a. Minutes last Meeting.*
 - b. Treasurer's Report and Claims.*

Suspend regular meeting

3. Public Meeting for Minor Plan Amendment to Third Generation Plan.
 - a. Staff Report.*
 - b. Commissioner Discussion.
 - c. Open Public Meeting.
 - 1) Receive written comments.
 - 2) Receive comments from public.
 - d. Close Public Meeting.
 - e. Commission Discussion.
 - f. Consider Resolution 2022-01.*

Resume regular meeting.

4. Open Forum.
 - a. James Fallon – USGS.
5. Action Items.
 - a. Project Reviews.*
6. Old Business.
 - a. PRAP subcommittee – no update.
7. New Business.
 - a. Preliminary 2023 Operating Budget Report.*
8. Communications.
 - a. Staff Report.*
 - b. Hennepin County Staff Report.*
 - c. Impaired Waters Status.*
9. Education.
 - a. WMWA – next meeting – June 14, 2022, at 8:30 a.m.

*in meeting packet

**available at meeting or on website

10. Grant Opportunities and Updates.
- a. WBIF Convene Meeting Report.*
11. Project Reviews.

Item No.	E	A	I RPFI	AR	Project No.	Project Name
			RP DD			
					W=wetland project	
ba.				AR	2014-015	Rogers Drive Extension, Rogers.
bb.				AR	2015-030	Kiddiegarten Child Care Center, Maple Grove.
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v.					2021-055	Morningside Estates 6 th Addition, Champlin.
w.	A	E			2022-001	Dayton Field 2nd Addition, Dayton.
x.					2022-002	Summerwell, Maple Grove.
y.					2022-003	Fox Briar Ridge East, Maple Grove.
z.					2022-004	Loram-Scannell Medina Industrial EAW, Medina.
aa.					2202-005	Bellwether 7 th , Corcoran.
ab					2022-006	Hamel Townhomes, Medina.
ac					2022-007	Weston Commons 2nd, Maple Grove.
ad.					2022-008	Bechtold Farm, Corcoran.
ae.					2022-009	Dunkirk Lane Development, Plymouth.
af.					2022-010	Unity Tool Building Addition, Dayton.
ag	A	E			2022-011	Arrowhead Drive turn Lane expansion,
ah	A	E			2022-012	Graco Building 2, Dayton.
ai.	A	E			2022-013	Dayton 94 Industrial Site, Dayton.
aj.l					2022-014	Aster Mill, Rogers.
ak					2022-015	County Road 47 Phase I Reconstruction, Plymouth.
al.					2022-016	Rogers Activity Center, Rogers.
am.					2022-017	City Center Drive, Corcoran.
an.					2022-018	Big Woods, Rogers.
ao.					2022-019	Grass Lake Preserve, Dayton.
ap,					2022-020	Skye Meadows Extension, Rogers.
aq.					2022-021	Dayton 94 EAW
ar.					2022-022	Cook Lake Highlands, Corcoran.
as.					2022-023	Asguard, Rogers.
at.					2022-024	Bridge No. 27J70, Maple Grove.
					2022-025	

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12. Other Business.

13. Adjournment.

Z:\Elm Creek\Meetings\Meetings 2022\05 Regular and Public Meeting Agenda.docx

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Regular Meeting Minutes April 13, 2022

I. A virtual meeting of the Elm Creek Watershed Management Commission was called to order at 11:33 a.m., Wednesday, April 13, 2022, by Chair Doug Baines.

Present were: Bill Walraven, Champlin; Ken Guenther, Corcoran; Doug Baines, Dayton; Joe Trainor, Maple Grove; Terry Sharp, Medina; Catherine Cesnik, Plymouth; David Katzner, Rogers; and Amy Juntunen and Judie Anderson, JASS.

Also present: Heather Nelson, Champlin; Kevin Mattson, Corcoran; Nico Cantarero, Stantec, Dayton; Derek Asche and Mark Lahtinen, Maple Grove; Ben Scharenbroich, Plymouth; Andrew Simmons, Rogers; Diane Spector, Ed Matthiesen, and Erik Megow, Stantec; James Kujawa, Surface Water Solutions; Rebecca Carlson, Resilience Resources; Kris Guentzel and Kevin Ellis, Hennepin County Environmental Services (HCEE); Brian Vlach, Three Rivers Park District (TRPD); Jeff Weiss, MN DNR; Paul Robinson, Rachel Development for Project Review 2022-009; and RSB.

A. Motion by Guenther, second by Trainor to approve the **revised agenda**. * *Motion carried unanimously.*

B. Motion by Guenther, second by Katzner to approve the **minutes*** of the March 9, 2022, regular meeting. *Motion carried unanimously.*

C. Motion by Guenther, second by Katzner to approve the April **Treasurer's Report** and **Claims*** totaling \$32,151.25. *Motion carried unanimously.*

II. Open Forum.

III. Action Items.

A. Project Reviews.

1. **2021-055 Morningside Estates 6th Addition, Champlin**. * This proposed development will construct seven single-family homes adjacent to the recently reviewed Oaks at Bauer Farm Project (2021-012) on the north side of French Lake Road, disturbing 2.8-acres and creating 0.8-acres of net, new impervious surfaces. The project was reviewed for Rules D and E. In their findings dated April 5, 2022, Staff recommended approval contingent on final escrow determination and O&M agreements with both the City and with the Oaks at Bauer Farms HOA with terms acceptable to the Commission being filed. Motion by Guenther, second by Sharp to approve Staff's recommendations. *Motion carried unanimously.*

2. **2022-003 Fox Briar Ridge East, Maple Grove**. * The proposed project is for construction of eight townhomes and one single family home with associated sidewalks, roads, and stormwater infrastructure. The project will create 1.81-acres of impervious, 1.68-acres of which is net, new impervious. The project triggers Rules D and E. The applicant has extended the 15.99 deadline to June 7, 2022. In their findings dated April 4, 2022, Staff recommended approval of this project with two conditions: final escrow determination and provision of a stormwater maintenance agreement acceptable to the City and the Commission within 90

RULE D - STORMWATER MANAGEMENT
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RULE G - WETLAND ALTERATION
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RULE I - BUFFERS

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days after the plat is recorded for all stormwater BMPs on the site that will not be operated and maintained by the City. Motion by Guenthner, second by Katzner to approve Staff's recommendations. *Motion carried unanimously.*

3. 2022-007 Weston Commons 2nd Addition, Maple Grove.* The proposed project is for construction of 82 row townhomes with associated sidewalks, roads, and stormwater infrastructure. The project triggers Rules D, E, and I. In their findings dated April 6, 2022, Staff recommended approval of this project subject to final escrow determination. Motion by Guenthner, second by Trainor to approve this recommendation. *Motion carried unanimously.*

4. 2022-008 Bechtold Farms, Corcoran.* This is two parcels that total 117.6 acres proposed to be subdivided into 12 large, single-family lots. The project will create 6.3-acres impervious areas, 4.5-acres which are net, new impervious. The project triggers Rules D, E, F, G, and I. In their findings dated April 2, 2022, Staff recommended approval contingent upon the following conditions:

- a. Final escrow determination.
- b. Preservation areas meeting the following criteria:

(1) A long-term vegetation management plan describing methods of maintaining the conservation area in a natural vegetative condition must be submitted with the stormwater management plans. (i) An analysis of the conservation easement areas should be provided by an arborist or similar knowledgeable expert and include existing quality and quantity of native and non-native species. A plan to preserve, restore and protect native vegetation and control invasive species is needed and must be incorporated into the conservation easement. Newly restored preservation areas must have a minimum establishment of >70% native species and <5% invasive species;

(2) A recordable conservation easement acceptable to the City and Commission for protecting the excess preservation areas must be provided and include the long-term management plan as part of the document.

(3) Because the City will be the easement holder, they must agree with the preservation area and its management, restrictions, and preservation plan;

(4) Conservation easement areas must have appropriate monumentation per wetland buffer spacing requirements.

c. An operation and maintenance agreement implementing those conditions that bind current and future owners of the project shall be recorded on this property;

d. Prior to any wetland impacts a wetland replacement plan must be approved by the City of Corcoran (LGU);

e. The buffer vegetation must meet Commission requirements for native vegetation establishment and maintenance.

Motion by Guenthner, second by Cesnik to approve Staff's recommendations with an additional advisory recommendation that the City/applicant follow the Commission's Model Livestock Policy. *Motion carried unanimously.*

5. 2022-009 Dunkirk Lane Development, Plymouth.* This project is located in the southwest quadrant of the intersection of Dunkirk Lane and 59th Avenue. The proposed development includes construction of 21 single-family home units and associated streets, utilities, and stormwater management basin. The Commission review covers Rules D and E. In their findings dated April 4, 2022, Staff recommended approval with three contingencies: (a) final escrow determination; (b) an updated detail for OCS 105 (Sheet 8 of 21)

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showing the 2'-wide by 1'-deep notch in the weir modeled in HydroCAD; and (c) Eliminate the redundant 5-foot weir in the HydroCAD model for the pond outlet. It is understood that the removal of this weir will not affect hydraulics or results for the 2-, 10- and 100-year storm HydroCAD modeling results but should be updated to be consistent with what is being constructed. Motion by Guenthner, second by Trainor to approve Staff's recommendations. *Motion carried unanimously.*

B. Technical Advisory Committee (TAC) Recommendations.

1. **HUC 8 Model.*** Asche recapped the discussion from the TAC meeting that preceded this meeting. The members agreed to continue moving forward with Stantec's work as proposed in their response to the Commission's RFP, and to address problems as (if) they arise.

2. The members recommend to the Commission that the **Capital Improvement Program (CIP)** be revised to add three new projects:

a. Line 50: Maple Grove South Fork Rush Creek Stream Restoration project, \$406,252 each in 2022 and 2023.

b. Line 57: City Cost Share Program, a new project to the CIP – to share in the cost of small Best Management Practices (BMPs) on city projects, in accordance with the Commission's Cost Share Policy, approved in August 2021, \$100,000 annually.

c. Line 58: Partnership Cost Share Program, a new project to the CIP – to share in the cost of voluntary load-reduction BMPs on private property, in accordance with the Commission's Cost Share Policy, also approved in August 2021, \$50,000 annually.

Some smaller projects (under \$100,000) have been submitted to the CIP by the cities, as well as one since the March meeting from Three Rivers Park District for the proposed Oxbow Trail-Rush Creek Channel Stabilization that is likely to be under \$100,000. It is recommended that those projects be managed administratively through the city cost share program rather than as small line items on the CIP.

3. The members performed a final review of the **revised rules** in anticipation of a Minor Plan Amendment. One correction was noted for non-linear projects: **Replace** "one point one inch (1.1") of runoff from the new impervious surface or 0.55-inches from the combination of new and fully reconstructed impervious surfaces, whichever is greater" **with** "one point one inch of runoff from the sum of new and fully reconstructed impervious surfaces."

In addition, the TAC recommended the applicability date should be June 1, 2022, for the revisions to the low floor rules (Rule D.3.b.i.7 and Rule F.3.b) and November 30, 2022, for the linear project rules (Rule D.2.b and Rule D.3.c).

Motion by Guenthner, second by Trainor to approve the addition of the three projects to the CIP and the revised rules as proposed and to call for a public meeting to be held during the Commission's regular May 11, 2022, meeting wherein these items will be considered as Minor Amendments to the Commission's Third Generation Watershed Management Plan. *Motion carried unanimously.*

C. Motion by Trainor, second by Guenthner to accept the **2021 Annual Activity Report** with any corrections received by Friday, April 22, 2022. *Motion carried unanimously.* The report will be forwarded to the Board of Water and Soil Resources by the April 30, 2022, deadline.

IV. Old Business.

A The **PRAP subcommittee** did not meet in March.

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B. Reminder: Volunteers are needed for **CAMP monitoring** this year. Staff will review which lakes are needful of monitoring data.

V. New Business.

Due to time constraints the second Convene Meeting for the **2022-2023 Watershed-Based Implementation Fund (WBIF)** process did not occur during the preceding TAC meeting. It will be rescheduled for later this month.

VI. Communications.

A. Staff Report.* Staff reports provide updates on the development projects currently under review by Staff or awaiting final recordings. The projects listed in the table beginning on page 6 of these minutes are discussed in this month's report. Megow provided a **Communications Log*** of activities related to pre-project review activity as an addendum to the Staff Report.

B. Hennepin County Staff Report.*

1. Project Updates.

a. Jubert Lake Agricultural BMPs Phase 1A. Hennepin County staff met with EOR to discuss updates based on a neighboring potential Water And Sediment Control Basin (WASCOB). project. EOR needs to do survey work before completing updates to the plan set. Completed updates are currently under review by Hennepin County. Construction is slated to begin in Summer and Fall 2022.

b. 27015 123rd Ave N., Rogers. Hennepin County met with Anoka County SWCD to discuss filter strip designs and species for planting. Recommendations have been received and incorporated into the plan. The County is now developing a contract for the landowner to sign.

c. 13861 129th Ave N., Dayton. Landowner requested scaled up version of manure bunker plans (20 feet x 20 feet with a 6 foot apron). The County is currently seeking updates to the plan set with this amendment. Construction for this manure bunker is still projected to begin in Spring 2022.

d. 22835 County Road 10, Corcoran. Landowner has quote for livestock exclusion fencing from contractors. Will return that information and currently working through contracting process. Project scheduled to be executed in Spring 2022.

e. 9945 Sundance Road, Rogers. Hennepin County staff met with engineer from Wright County to discuss possible BMP projects. Survey points were requested to make recommendations. Survey work should be completed by the end of April.

2. Potential Future Work.

a. MPCA Small Watershed Focus Program. The County is currently investigating feasibility of participating in the Small Watershed Focus Program through the Minnesota Pollution Control Agency. The program is part of Section 319 of the federal Clean Water Act and provides access to four, four-year grants (16 years total) to support water quality projects in targeted watersheds. Hennepin County staff is meeting to determine if the Rush Creek Subwatershed, or other similar priority areas may be a candidate for this funding.

b. BWSR Soil Health Grants. County staff are interested in assisting other organizations, such as the Commission, to apply for a Soil Health Grant through the Board of Water and Soil Resources. This grant opportunity is for work related to the adoption of soil health practices that will benefit

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water quality. Hennepin County would not qualify as an applicant but is interested in assisting other organizations with this work. Further investigation into this opportunity is currently underway. Applications for funding are due May 9, 2022.

3. Updates to Natural Resource Strategic Plan. County staff continue meeting with partners and the public to discuss future priorities in our next Natural Resources Strategic Plan. Following completion of our first phase of public outreach, staff have continued outreach over the winter focused on listening and learning from a more diverse set of voices, including meetings with both Southside and Northside Green Zone Task Forces in Minneapolis and with different youth groups.

County staff hosted the first two Collaboration Group meetings with key public entity partners. Participating external partners included those managing natural resources, water resources, and parks and trails in diverse geographies across the county. Internal collaboration partners spanned from those with clear intersections with environmental protection such as Transportation and Facility Services, to those with emerging roles, including the new Climate and Resiliency Department. For partners not actively involved in these collaboration groups, there will continue to be plenty of opportunities to provide input and engage in plan development.

Continue to look for updates in the Green Notes newsletter and on our project website, <https://www.hennepin.us/business/conservation/natural-resources-strategic-plan> Please also sign up for email updates to stay informed and learn about opportunities to provide feedback

VII. Education and Public Outreach.

A. The West Metro Water Alliance (WMWA) met on April 12, 2022.

B. Jessica Sahu Teli, the WMWA Educator, taught Watershed PREP to four classes at Elm Creek Elementary in March. Three schools are scheduled for April and several more have reached out to schedule in May as well. WMWA will purchase Black Eyed Susan seeds for an in-class planting activity to encourage planting of native species.

Sahu Teli will be tabling at the Discover Plymouth event on April 23 and the Maple Grove Arbor Day event on May 7. Volunteers are welcome.

Staff will meet with Karen Galles from Hennepin County to discuss the potential Outreach Coordinator position and how the position may be housed with the County. A job description is being developed.

C. Included in the meeting packet was the **2021 WMWA Annual Report.***

D. The **next WMWA meeting** will be held via Zoom at 8:30 a.m., May 10, 2022.

VIII. Grant Opportunities and Project Updates.

IX. Other Business.

Also included in the meeting packet was the **Presiding Officer Statement to Return to In-Person Meetings.*** Beginning with the May meeting, the Commission will meet in the Mayor's Conference Room at Maple Grove City Hall. In August, the meeting location will switch to the Plymouth Community Center.

X. Adjournment. There being no further business, motion by Sharp, second by Guenthner to adjourn. *Motion carried unanimously.* The meeting was adjourned at 1:47 p.m.

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Respectfully submitted,



Judie A. Anderson
Recording Secretary
JAA:tim

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R = Will be removed RP= Information will be provided in revised meeting packet..... D = Project is denied AR awaiting recordation

RULE D - STORMWATER MANAGEMENT
RULE E - EROSION AND SEDIMENT CONTROL
RULE F - FLOODPLAIN ALTERATION

RULE G - WETLAND ALTERATION
RULE H - BRIDGE AND CULVERT CROSSINGS
RULE I - BUFFERS

*indicates enclosure

CHAMPLIN - CORCORAN - DAYTON - MAPLE GROVE - MEDINA - PLYMOUTH - ROGERS

Elm Creek Watershed Management Commission Treasurer's Report

		2022 Budget	April 2022	May 2022	2022 Budget YTD
EXPENSES					
Administrative		95,000	10,928.30	8,972.14	40,608.27
Grant Writing		500			0.00
Website		3,000	126.30	58.10	260.70
Legal		2,000		46.50	279.00
Audit		6,000			0.00
Insurance		3,800	200.00		200.00
Meeting Expense			1,250.00		1,250.00
Miscellaneous/Contingency		1,000			0.00
Floodplain Mapping		0	1,045.00	26,607.75	27,652.75
Project Review Technical		107,500	12,953.50	15,842.25	51,264.00
Other Technical		77,500	4,490.75	7,108.25	21,097.25
Project Reviews - Admin Support		15,000	1,615.28	2,266.07	5,876.71
Stream Monitoring USGS		24,000			0.00
Stream Monitoring TRPD		9,345			0.00
DO Longitudinal Survey		1,200			0.00
Rain Gauge		420	28.42	30.81	115.07
Lakes Monitoring - CAMP		840			0.00
Lakes Monitoring - TRPD					0.00
Sentinel Lakes		8,460			0.00
Additional Lake		1,352			0.00
Aquatic Vegetation Surveys		1,300			0.00
Wetland Monitoring (WHEP)		4,000			0.00
Education		2,500	31.50	538.94	590.69
WMWA General Activities		5,000			0.00
WMWA Implementation/Watershed Prep		4,500			0.00
Rain Garden Wkshops/Intensive BMPs/Special Proj		2,000			0.00
Macroinvertebrate Monitoring-River Watch		3,000			0.00
Studies / Project ID / SWA		0			0.00
CIPs General		3,000	167.24	88.11	748.21
Rush Creek SWA Implementation		106,050			
Plan Amendment		2,000	100.96	161.82	262.78
Contribution to 4th Gen Plan		12,500			0.00
Transfer to (from) Capital Projects (see CIP Tr		291,638			0.00
Transfer to (from) Cash Sureties (see below)			464.00	-	504.11
Transfer to (from) Grants (see below)		125,000	-	-	0.00
To Fund Balance					0.00
TOTAL - Month			33,401.25	61,720.74	150,709.54
TOTAL Paid in 2022, incl late 2021 Expenses		931,405.00	174,715.31	236,436.05	2022 Paid

Elm Creek Watershed Management Commission Treasurer's Report

		2022 Budget	April 2022	May 2022	2022 Budget YTD
INCOME					
Project Review Fee		107,500	20,350.00		66,550.00
Project Review Fee 2021 Additional Due			280.00		
Refund Project Fee					0.00
Nonrefundable Admin		15,000	1,850.00		6,050.00
Nonrefundable Technical		16,125	2,775.00		9,075.00
Water Monitoring - TRPD Co-op Agmt		6,000			0.00
Member Dues		237,300			237,300.00
Interest/Dividends Earned		5,250	270.89		371.28
Transfer to (from) Capital Projects (see CIP Tr		291,638			0.00
Transfer to (from) Grants (see below)		125,000	-	-	0.00
Rush Creek SWA Implementation		79,537			
Transfer from Assigned Fund Balance		26,513			
Misc Income / Contingency		10,750			0.00
From Unrestricted Cash Reserves		10,792			0.00
Total - Month			25,525.89	0.00	319,346.28
TOTAL Rec'd 2022, incl late 2021 Income		931,405.00	328,797.27	328,797.27	2022 Received
			2022 Activity		
CASH SUMMARY					
Checking		Balance Fwd			
		0.00			
4M Fund		1,503,168.70	1,657,250.66	1,595,529.92	
Cash on Hand			1,657,250.66	1,595,529.92	
CASH SURETIES					
		Balance Fwd			Activity 2021
WCA Administrative Escrows		338			-40.11
WCA Monitoring Escrows		7,767	(464.00)		-464.00
Total Cash Sureties		8,105	7,600.66	7,600.66	
Deferred Revenue - 2019 WBIF Grant		67,243			
Total Restricted Cash		75,348	75,851.88	75,851.88	
Claims Presented		General Ledger Account No	April	May	TOTAL
Campbell Knutson - Legal		521000		46.50	46.50
Connexus - Rain Gauge		551100		30.81	30.81
Metro Blooms-Blue Thumb 2022 Partner Fee		590000		500.00	500.00
Stantec					49,558.25
Project Review Technical		578050		15,842.25	
Other Technical		578050		7,108.25	
HUC-8 Review -Floodplain Mapping		580440		26,607.75	
JASS					11,585.18
Administration		511000		6,676.83	
TAC Support		511000		1,554.51	
Annual Reporting/Work Plan		511000		531.05	
Website		581000		58.10	
Project Reviews		578100		1,644.47	
Project Reviews - Project Specific Admin		578100		621.60	
HUC-8 -Floodplain Mapping Admin		580430		209.75	
Plan Amendment		541500		161.82	
Education		590000		38.94	
CIPs General		563001		88.11	
TOTAL CLAIMS					61,720.74

CAMPBELL KNUTSON
Professional Association
Attorneys at Law
Federal Tax I.D. #41-1562130
Grand Oak Office Center I
860 Blue Gentian Road, Suite 290
Eagan, Minnesota 55121
(651) 452-5000

Elm Creek Watershed Management Commission
c/o Judie A. Anderson, Exec. Secty.
3235 Fernbrook Lane
Plymouth MN 55447

Page: 1
March 31, 2022
Account # 1448G

SUMMARY STATEMENT

PREVIOUS BALANCE	FEES	EXPENSES	CREDITS	PAYMENTS	BALANCE
1448-0000 RE: GENERAL MATTERS					
SERVICES RENDERED TO DATE:					
232.50	46.50	0.00	0.00	-232.50	<u>\$46.50</u>

Amounts due over 30 days will be subject to a finance charge of
.5% per month (or an annual rate of 6%). Minimum charge - 50 cents.

CAMPBELL KNUTSON
Professional Association
Attorneys at Law
Federal Tax I.D. #41-1562130
Grand Oak Office Center I
860 Blue Gentian Road, Suite 290
Eagan, Minnesota 55121
(651) 452-5000

Elm Creek Watershed Management Commission
c/o Judie A. Anderson, Exec. Secty.
3235 Fernbrook Lane
Plymouth MN 55447

Page: 1
March 31, 2022
Account # 1448-0000G
236

RE: GENERAL MATTERS
SERVICES RENDERED TO DATE:

			HOURS	
03/09/2022	JJJ	Emails Judie re: OML questions, amendment of regular meeting agenda, meeting rules.	0.30	46.50
		AMOUNT DUE	0.30	46.50
		TOTAL CURRENT WORK		46.50
		PREVIOUS BALANCE		\$232.50
03/21/2022		Payment - thank you		-232.50
		TOTAL AMOUNT DUE		<u>\$46.50</u>

Amounts due over 30 days will be subject to a finance charge of .5% per month (or an annual rate of 6%). Minimum charge - 50 cents.

**Account Number:****481113-238425**

ELM CREEK WATERSHED MGMT ORG

Monthly Statement

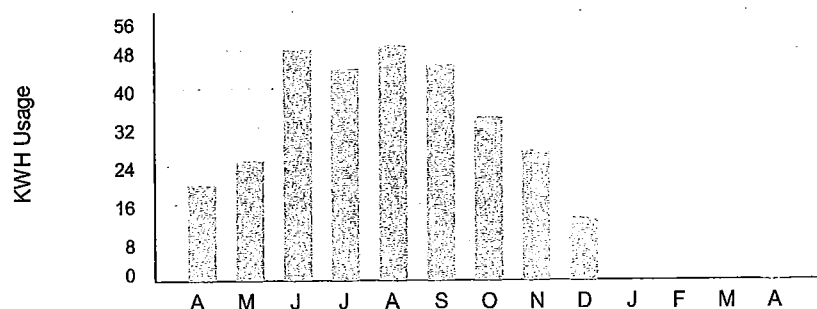
Service Address
ELM CREEK RD
DAYTON MN

Billing Summary**Billing Date:** Apr 18, 2022

Previous Balance	\$28.42
Payments - Thank You!	\$28.42
Balance Forward	\$0.00
New Charges	\$30.81

Total Amount Due **\$30.81**

Payment must be received on or before May 13, 2022

Total Amount Due**\$30.81****Due Date****May 13, 2022****Message Center****Energy Comparison** Previous Months' Usage Current Month's Usage**How to contact us**

Member Services / Moving - 763-323-2650
Outages and Emergencies - 763-323-2660
Hearing/Speech Impaired Call - 711 or 800-627-3529
Email: info@connexusenergy.com
www.connexusenergy.com
Gopher State One Call - 811
14601 Ramsey Boulevard, Ramsey, MN 55303

▼ Please detach at perforation and return this portion with a check or money order made payable to Connexus Energy ▼

TRA3-D-006953/006210 VG12Q5 S1-ET-M1-C00002 1

**Account Number:****481113-238425****Total Amount Due****\$30.81****Payment Due By****May 13, 2022**

006953 1 AB 0.458 002963/006953/006210 023 02 VG12Q5
ELM CREEK WATERSHED MGMT ORG
3235 FERNBROOK LN N
PLYMOUTH MN 55447-5325



Connexus Energy
PO Box 1808
Minneapolis, MN 55480-1808

00003081 0004811130238425 000000 000000 000000000000 0000006

Metro Blooms

3747 Cedar Ave. So.
Minneapolis, MN 55407
6516992426
www.metroblooms.org

Invoice

INVOICE # 1604
DATE 5/4/2022
DUE DATE 6/3/2022
TERMS Net 30

BILL TO

Elm Creek Watershed Management Commission
Attn: Amy Juntunen

PO NO:

2022 Blue Thumb Partner fee	500.00	500.00
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Please remit by check or credit card to:

Metro Blooms
3747 Cedar Ave. So.
Minneapolis, MN 55407

Questions or payments? (651) 699-2426

Total	\$500.00
Payments/Credits	\$0.00
Total Due	<u>\$500.00</u>



INVOICE

Page 1 of 5

Invoice Number	1917972
Invoice Date	May 4, 2022
Purchase Order	--
Customer Number	167501
Project Number	227704774

Bill To

Elm Creek Watershed Management Commission
Accounts Payable
3235 Fernbrook Lane
Plymouth MN 55447
United States

Please Remit To

Stantec Consulting Services Inc. (SCSI)
13980 Collections Center Drive
Chicago IL 60693
United States

Project	Elm Creek '22 Technical Services			
	Project Manager	Megow, Erik Robert	Contract Upset	185,000.00
	Current Invoice Total (USD)	22,950.50	Amount Billed to Date	72,361.25
			For Period Ending	April 22, 2022

Top Task	100	2022 Prereviews and General Inquiries
Low Task	100	2022 Prereviews and General Inquiries

Professional Services

Category/Employee	Current Hours	Rate	Current Amount
Megow, Erik Robert	5.25	165.00	866.25
Subtotal Professional Services	5.25		866.25

Low Task Subtotal	2022 Prereviews and General Inquiries	866.25
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Top Task Subtotal	2022 Prereviews and General Inquiries	866.25
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Top Task	200	2022 Project Reviews
Low Task	200.2021.053	Towns at Fox Creek

Professional Services

Category/Employee	Current Hours	Rate	Current Amount
Truong, Kaitlen Nguyen (Kaitlin)	1.00	120.00	120.00
Megow, Erik Robert	1.50	165.00	247.50
Subtotal Professional Services	2.50		367.50

Low Task Subtotal	Towns at Fox Creek	367.50
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Low Task	200.2021.055	Morningside Estates 6th Addition
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Professional Services

Category/Employee	Current Hours	Rate	Current Amount
Megow, Erik Robert	5.75	165.00	948.75
Subtotal Professional Services	5.75		948.75

Invoice Number	1917972
Invoice Date	May 4, 2022
Purchase Order	--
Customer Number	167501
Project Number	227704774

Low Task Subtotal	Morningside Estates 6th Addition	948.75
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Low Task	200.2022.002	Summerwell Maple Grove
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Professional Services

Category/Employee		Current Hours	Rate	Current Amount
	Fesenmaier, Mark Gregory	11.25	124.00	1,395.00
	Megow, Erik Robert	3.50	165.00	577.50
	Subtotal Professional Services	<u>14.75</u>		<u>1,972.50</u>

Low Task Subtotal	Summerwell Maple Grove	1,972.50
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Low Task	200.2022.003	Fox Briar Ridge East
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Professional Services

Category/Employee		Current Hours	Rate	Current Amount
	Megow, Erik Robert	4.75	165.00	783.75
	Subtotal Professional Services	<u>4.75</u>		<u>783.75</u>

Low Task Subtotal	Fox Briar Ridge East	783.75
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Low Task	200.2022.007	Weston Commons 2nd Addition
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Professional Services

Category/Employee		Current Hours	Rate	Current Amount
	Megow, Erik Robert	0.50	165.00	82.50
	Subtotal Professional Services	<u>0.50</u>		<u>82.50</u>

Low Task Subtotal	Weston Commons 2nd Addition	82.50
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Low Task	200.2022.008	Bechtold Farm
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Professional Services

Category/Employee		Current Hours	Rate	Current Amount
	Megow, Erik Robert	1.00	165.00	165.00
	Subtotal Professional Services	<u>1.00</u>		<u>165.00</u>

Low Task Subtotal	Bechtold Farm	165.00
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Low Task	200.2022.009	Dunkirk Lane
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Professional Services

Category/Employee		Current Hours	Rate	Current Amount
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Invoice Number	1917972
Invoice Date	May 4, 2022
Purchase Order	--
Customer Number	167501
Project Number	227704774

Zhang, Lu	5.50	135.00	742.50
Megow, Erik Robert	5.75	165.00	948.75
Subtotal Professional Services	<u>11.25</u>		<u>1,691.25</u>

Low Task Subtotal	Dunkirk Lane	1,691.25
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Low Task	200.2022.011	Arrowhead Drive Turn Lane Expansion
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Professional Services

Category/Employee	Current Hours	Rate	Current Amount
Fesenmaier, Mark Gregory	6.25	124.00	775.00
Megow, Erik Robert	3.50	165.00	577.50
Subtotal Professional Services	<u>9.75</u>		<u>1,352.50</u>

Low Task Subtotal	Arrowhead Drive Turn Lane Expansion	1,352.50
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Low Task	200.2022.012	Graco Building 2
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Professional Services

Category/Employee	Current Hours	Rate	Current Amount
Megow, Erik Robert	1.00	165.00	165.00
Subtotal Professional Services	<u>1.00</u>		<u>165.00</u>

Low Task Subtotal	Graco Building 2	165.00
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Low Task	200.2022.014	Aster Mill
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Professional Services

Category/Employee	Current Hours	Rate	Current Amount
Zhang, Lu	18.00	135.00	2,430.00
Megow, Erik Robert	6.25	165.00	1,031.25
Subtotal Professional Services	<u>24.25</u>		<u>3,461.25</u>

Low Task Subtotal	Aster Mill	3,461.25
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Low Task	200.2022.015	County Road 47 Reconstruction Phase 1
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Professional Services

Category/Employee	Current Hours	Rate	Current Amount
Wochenske, Jordan	9.00	124.00	1,116.00
Megow, Erik Robert	4.25	165.00	701.25
Subtotal Professional Services	<u>13.25</u>		<u>1,817.25</u>

Invoice Number	1917972
Invoice Date	May 4, 2022
Purchase Order	--
Customer Number	167501
Project Number	227704774

Low Task Subtotal	County Road 47 Reconstruction Phase 1	1,817.25
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Low Task	200.2022.016	Rogers Activity Center
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Professional Services

Category/Employee		Current Hours	Rate	Current Amount
	Wochenske, Jordan	8.75	124.00	1,085.00
	Megow, Erik Robert	3.00	165.00	495.00
	Subtotal Professional Services	<u>11.75</u>		<u>1,580.00</u>

Low Task Subtotal	Rogers Activity Center	1,580.00
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Low Task	200.2022.018	Big Woods
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Professional Services

Category/Employee		Current Hours	Rate	Current Amount
	Truong, Kaitlen Nguyen (Kaitlin)	8.00	120.00	960.00
	Megow, Erik Robert	2.50	165.00	412.50
	Subtotal Professional Services	<u>10.50</u>		<u>1,372.50</u>

Low Task Subtotal	Big Woods	1,372.50
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Low Task	200.2022.019	Grass Lake Preserve
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Professional Services

Category/Employee		Current Hours	Rate	Current Amount
	Megow, Erik Robert	0.50	165.00	82.50
	Subtotal Professional Services	<u>0.50</u>		<u>82.50</u>

Low Task Subtotal	Grass Lake Preserve	82.50
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Top Task Subtotal	2022 Project Reviews	15,842.25
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Top Task	300	Meetings
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Low Task	300	Meetings
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Professional Services

Category/Employee		Current Hours	Rate	Current Amount
	Megow, Erik Robert	5.50	165.00	907.50
	Spector, Diane F	3.50	187.00	654.50
	Matthiesen, Edward Armin (Ed)	2.25	210.00	472.50
	Subtotal Professional Services	<u>11.25</u>		<u>2,034.50</u>

Invoice Number	1917972
Invoice Date	May 4, 2022
Purchase Order	--
Customer Number	167501
Project Number	227704774

Low Task Subtotal	Meetings	2,034.50
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Top Task Subtotal	Meetings	2,034.50
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Top Task	400	Other Technical Services
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Low Task	400.4000.001	General
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Professional Services

Category/Employee		Current Hours	Rate	Current Amount
	Truong, Kaitlen Nguyen (Kaitlin)	7.00	120.00	840.00
	Fesenmaier, Mark Gregory	3.25	124.00	403.00
	Megow, Erik Robert	5.50	165.00	907.50
	Spector, Diane F	11.00	187.00	2,057.00
	Subtotal Professional Services	<u>26.75</u>		<u>4,207.50</u>

Low Task Subtotal	General	4,207.50
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Top Task Subtotal	Other Technical Services	4,207.50
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Total Fees & Disbursements	<u>22,950.50</u>
INVOICE TOTAL (USD)	22,950.50

Due upon receipt or in accordance with terms of the contract



INVOICE

Page 1 of 2

Invoice Number 1917973
Invoice Date May 4, 2022
Purchase Order --
Customer Number 167501
Project Number 227704963

Bill To

Elm Creek Watershed Management Commission
Accounts Payable
3235 Fernbrook Lane
Plymouth MN 55447
United States

Please Remit To

Stantec Consulting Services Inc. (SCSI)
13980 Collections Center Drive
Chicago IL 60693
United States

Project	Revisions to HUC-8 Study Model			
	Project Manager	Megow, Erik Robert	Contract Upset	45,750.00
	Current Invoice Total (USD)	26,607.75	Amount Billed to Date	27,652.75
			For Period Ending	April 22, 2022

Top Task	100	HUC-8 Study Model Revisions
Low Task	100.001	Hydrologic Model Updates

Professional Services

Category/Employee	Current Hours	Rate	Current Amount
Tourtillott, Danielle M	0.25	120.00	30.00
Hyams, Aaron Robert	2.75	124.00	341.00
Johnson, Danielle Nicole	87.75	135.00	11,846.25
Mueller, Kevin James	3.00	149.00	447.00
Megow, Erik Robert	5.25	165.00	866.25
Hoschka, Stacy Harwell (Stacy Harwell)	13.50	181.00	2,443.50
Yang, Limei	9.00	181.00	1,629.00
Subtotal Professional Services	121.50		17,603.00

Low Task Subtotal	Hydrologic Model Updates	17,603.00
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Low Task	100.002	Hydraulic Model Updates
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Professional Services

Category/Employee	Current Hours	Rate	Current Amount
Gafner, Kiley	45.50	120.00	5,460.00
Megow, Erik Robert	5.75	165.00	948.75
Subtotal Professional Services	51.25		6,408.75

Low Task Subtotal	Hydraulic Model Updates	6,408.75
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Low Task	100.003	Memorandum and Meetings
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Professional Services

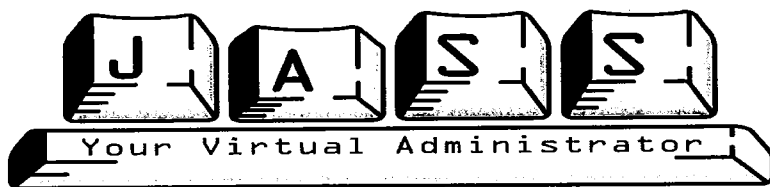
Category/Employee	Current Hours	Rate	Current Amount
Gafner, Kiley	13.25	120.00	1,590.00

Invoice Number	1917973
Invoice Date	May 4, 2022
Purchase Order	--
Customer Number	167501
Project Number	227704963

Megow, Erik Robert	5.00	165.00	825.00
Hoschka, Stacy Harwell (Stacy Harwell)	1.00	181.00	181.00
Subtotal Professional Services	<u>19.25</u>		<u>2,596.00</u>

Low Task Subtotal	Memorandum and Meetings	<u>2,596.00</u>
Top Task Subtotal	HUC-8 Study Model Revisions	<u>26,607.75</u>
	Total Fees & Disbursements	<u>26,607.75</u>
	INVOICE TOTAL (USD)	26,607.75

Due upon receipt or in accordance with terms of the contract



3235 Fernbrook Lane
Plymouth MN 55447

Elm Creek Watershed Management Commission
3235 Fernbrook Lane
Plymouth, MN 55447

4-May-22

Total by
Project Area

Administrative		65.00	0.00	
Administrative	44.910	70.00	3,143.70	
Administrative - PRAP		70.00	0.00	
PRAP - virtual		75.00	0.00	
Admin - virtual	6.140	75.00	460.50	
Office Support	12.00	200.00	2,400.00	
Storage Unit	1.00	169.67	169.67	
Data Processing/File Mgmt	0.57	65.00	37.05	
Drop Box Subscription		129.88	0.00	
Archiving		65.00	0.00	
Admin - Reimbursable Expense	465.91	1.00	465.91	6,676.830
Admin - TAC support		65.00	0.00	
Admin - TAC support	17.46	70.00	1,222.20	
Admin - TAC support virtual	3.23	75.00	242.25	
TAC Support - Reimbursable Expense	90.06	1.00	90.06	1,554.510
Website		65.00	0.00	
Website	0.83	70.00	58.10	
Web Domain, hosting		1.00	0.00	58.100
Annual Reporting/Work Plans	5.14	70.00	359.80	
Annual Reporting/Work Plan - Reimbursable Expense	171.25	1.00	171.25	531.050
Project Reviews - Admin Specific	8.88	70.00	621.60	621.600
Project Reviews - Admin	22.24	70.00	1,556.80	
Project Reviews - Admin - File Mgmt		65.00	0.00	
Project Reviews - Reimbursable Expense	87.67	1.00	87.67	1,644.470
Floodplain Mapping - Admin	1.03	70.00	72.10	
Floodplain Mapping - Virtual	1.50	75.00	112.50	
Floodplain Mapping - reimbursable	25.15	1.00	25.15	209.750
Education - Secretarial		65.00	0.00	
Education - Admin		70.00	0.00	
Education - Admin virtual - Blue Thumb Partner Event	0.500	75.00	37.50	
Education - Reimbursable Expense	1.44	1.00	1.44	38.940
CIPs - General - Secretarial		65.00	0.00	
CIPs - Administrative	1.25	70.00	87.50	
CIPs- Offsite Admin		75.00	0.00	
CIPs - reimbursables	0.61	1.00	0.61	88.110
Plan Amendment - Admin	2.05	70.00	143.50	
Plan Amendment - Offiste		75.00	0.00	
Plan amendment - reimbursable	18.32	1.00	18.32	161.820

Invoice Total

11,585.180

Plymouth Community Center Invoice

Statement #: 8185
Statement Date: 08/10/2022
Statement #: 8185
Household: 3647

* ELM CREEK WATERSHED MANAGEMENT COMMISSION
3235 FERNBROOK LN N
PLYMOUTH MN 55447
Plymouth Parks and Recreation
3400 Plymouth Blvd.
Plymouth, MN 55447
Phone: (763)509-5200

Reservation Date	Receipt	Description	Quantity	Amount
08/10/2022	411584	Aspen Room on 08/10/2022 at 9:30 am to 2:30 pm at Plymouth Community Center-Event Wing (*)	1	\$250.00
09/14/2022	411584	Aspen Room on 09/14/2022 at 9:30 am to 2:30 pm at Plymouth Community Center-Event Wing (*)	1	\$250.00
10/12/2022	411584	Aspen Room on 10/12/2022 at 9:30 am to 2:30 pm at Plymouth Community Center-Event Wing (*)	1	\$250.00
11/09/2022	411584	Aspen Room on 11/09/2022 at 9:30 am to 2:30 pm at Plymouth Community Center-Event Wing (*)	1	\$250.00
12/14/2022	411584	Aspen Room on 12/14/2022 at 9:30 am to 2:30 pm at Plymouth Community Center-Event Wing (*)	1	\$250.00
Total Fees				\$1,250.00
Total Taxes				\$0.00
Total Paid				\$0.00
Total Due				\$1,250.00

Thank you for booking the Plymouth Community Center. To make payment, please call us at 763-509-5608. Or you can mail a check to 14800 34th Ave. Plymouth, MN 55447.

NOTE:
THIS INVOICE
WAS PAID IN
APRIL AND IS AN
ADDITION TO THE
APRIL TREASURER'S
REPORT CLAIMS.

To: Elm Creek WMO Commissioners

From: Erik Megow, PE
Diane Spector
Judie Anderson

Date: May 4, 2022

Subject: Proposed Minor Plan Amendment

**Recommended
Commission Action**

Discuss Minor Plan Amendment. Approve a resolution adopting the amendment.

The Elm Creek Watershed Management Commission on April 7, 2022 initiated a Minor Plan Amendment to the Third Generation Watershed Management Plan. This revision adds three projects to the CIP; makes the rules consistent with the most recent Minnesota General Stormwater Permit; and clarifies the Commission's standards. These proposed revisions are set forth in the attached Notice of Plan Amendment.

Notice was sent to the member cities, county, and reviewing agencies, and published as required by statute and the Plan. The purpose of the May 11, 2022 meeting is to discuss the proposed minor plan amendment and any comments received prior to or at a public meeting. (Note this is not a formal public hearing.) After that discussion, the Commission may consider a resolution adopting the Minor Plan Amendment contingent on County Board approval of the CIP portion of Minor Plan Amendment, which will be heard at a County Board hearing in June-July 2021. As of this date, no comments have been received.

CIP Amendment

The Plan would be revised to add three new projects to the Capital Improvement Program (CIP) Table 4.5 and Appendix G:

- Add the Maple Grove South Fork Rush Creek Stream Restoration project to the CIP for 50% cost share in 2022 and 50% cost share in 2023.
- Add a new project to the CIP – "City Cost Share Program" – to share in the cost of small Best Management Practices (BMPs) on city projects, in accordance with the Commission's Cost Share Policy.
- Add a new project to the CIP – "Partnership Cost Share Program" – to share in the cost of voluntary load-reduction BMPs on private property, in accordance with the Commission's Cost Share Policy.

Rules Revisions

The proposed Amendment would revise Appendix C of the Plan - the Rules and Standards - to 1) make the rules consistent with the most recent Minnesota General Stormwater Permit; and 2) clarify the Commission's standards regarding the required freeboard between the

high-water elevation of a constructed or natural water and the low floor or opening of a proposed adjacent structure.

Notice of Minor Plan Amendment Elm Creek Watershed Management Commission

The Elm Creek Watershed Management Commission proposes to amend its *Third Generation Watershed Management Plan* to adopt revisions to Table 4.5 of that document - the Capital Improvement Program (CIP) – to add three projects and to revise Appendix G, to add descriptions of those projects, and to make revisions to Appendix C - the Rules and Standards.

The proposed minor plan revision is shown as additions (underlined) or deletions (~~strike outs~~).

Table 4.5. Elm Creek WMC Third Generation Plan Capital Improvement Program is hereby revised to add the following:

Description	Location	Priority	Project Cost	Partners	Funding Source(s)	Commission Share		
						2022	2023	2024
<u>South Fork Rush Creek Stream Restoration</u>	<u>Maple Grove</u>	<u>H</u>	<u>\$3,250,000</u>	<u>Maple Grove</u>	<u>City, levy</u>	<u>\$406,250</u>	<u>\$406,250</u>	<u>\$0</u>
<u>City Cost Share</u>	<u>Watershed</u>	<u>M</u>	<u>100,000</u>	<u>Cities</u>	<u>Cities, levy</u>	<u>50,000</u>	<u>50,000</u>	<u>50,000</u>
<u>Partnership Cost Share</u>	<u>Watershed</u>	<u>M</u>	<u>50,000</u>	<u>Owners</u>	<u>levy</u>	<u>50,000</u>	<u>50,000</u>	<u>50,000</u>

Appendix G, CIP Descriptions is hereby revised as follows:

S Fork Rush Creek Stream Restoration. Stream restoration and floodplain re-establishment from 101st Avenue North, north to the confluence with the North Fork of Rush Creek. Approximately 7,200 linear feet. The cost is split 50/50 between 2022 and 2023.

City Cost Share. This annual project provides 50% cost sharing to complete smaller projects on city property on a voluntary basis in accordance with policies and procedures established by the Commission.

Partnership Cost Share. This program provides up to 100% cost sharing to member cities to complete smaller partnership projects with private landowners. Participating projects on private property must be for water quality improvement and must be for improvement above and beyond what would be required to meet Commission rules.

The Elm Creek WMC Third Generation Plan Appendix C Rules and Standards is hereby revised as follows:

1. Rule A is hereby revised to add:

Fully reconstructed impervious surface. Areas where impervious surfaces have been removed down to the underlying soils. Activities such as structure renovation, mill and overlay projects, and other pavement rehabilitation projects that do not expose the underlying soils beneath the structure, pavement, or activity are not considered fully reconstructed. Maintenance activities such as catch basin repair/replacement, utility repair/replacement, pipe repair/replacement, lighting, and pedestrian ramp improvements are not considered fully reconstructed.

Linear project. Linear projects are projects with construction of new or fully reconstructed roads, trails, sidewalks, or rail lines that are not part of a common plan of development or sale.

Low Opening. The low opening is the lowest elevation of an enclosed area, such as a basement, that allows surface water to into the enclosed area. Examples of low openings, include but are not limited to doors and windows. Foundation wall cracks, drainage seepage through drain tile, and sewer backup elevations are not low openings.

2. Rule D.2.b is hereby revised as follows:

~~Linear projects that create one acre or more of new impervious surface must meet all Commission requirements for the net new impervious surface. Sidewalks and trails that do not exceed twelve feet (12'0") in width, are not constructed with other improvements, and have a minimum of five feet (5'0") of vegetated buffer on both sides are exempt from Commission requirements.~~

3. Rule D.3.b.i.7 is hereby revised as follows:

~~The low floor elevation shall be at minimum two feet above the critical event 100-year elevation and at minimum one foot above the emergency overflow elevation of nearby waterbodies and stormwater ponds.~~

Structures shall be elevated according to the following criteria based on the flooding source:

- i. Structures that are within the closed basin of naturally landlocked waterbodies and outside of the effective Federal Emergency Management Agency floodplain as shown on the Flood Insurance Rate Map and outside of the Commission's floodplain shall meet the following criteria:
 1. The low floor must be at minimum one foot above the normal water level and
 2. The low floor must be at least two feet above the back-to-back 100-year 24-hour flood elevation.
- ii. Structures within the proposed Federal Emergency Management Agency and/or within the Commission's floodplain (excluding FEMA Zone A areas) shall meet the following criteria:
 1. The low floor must be at minimum two feet above the 100-year flood elevation and at least one foot above the emergency overflow
- iii. Structures that are within the closed basin of naturally landlocked waterbodies and the Federal Emergency Management Agency and/or Commission's floodplain shall have a low floor elevation at whichever elevation highest elevation calculated from the following:
 1. The low floor must be at minimum one foot above the normal water level and
 2. The low floor must be at least two feet above the back-to-back 100-year 24-hour flood elevation.
 3. The low floor must be at minimum two feet above the 100-year flood elevation.

iv. Structures near the maximum inundation extents caused during the high-water level of nearby stormwater ponds and/or waterbodies that are outside of a naturally landlocked waterbody basin, Federal Emergency Management Agency floodplain, and the Commission's floodplain shall meet the following criteria:

1. The low floor must be at minimum one foot above the normal water level of hydraulically or hydrologically connected waterbodies (as determined by paragraph d. below) and
2. The low opening must be at least two feet above the 100-year flood elevation and
3. The low opening should be at least one foot above the emergency overflow and
4. Hydrogeological analyses demonstrating a structure is outside of the lateral transmissivity zone of groundwater flow mounding caused by the 100-year event on hydraulically or hydrologically connected waterbodies and based on the duration of the flood hydrograph in those hydraulically or hydrologically connected waterbodies, to the satisfaction of the Commission's engineer, may be used to exempt structures from the above rules.
5. Structures located greater than 200-feet away from the high- water level inundation of hydraulically or hydrologically connected waterbodies (as determined by paragraph d. above) are exempt from the above rules.
6. The emergency overflow should be an overland flow section, where possible, but piped outlets with appropriate conveyance capacity that are designed to limit clogging may be used as determined by the Commission's Engineer

v. Structures adjacent to localized depressions use to route stormwater to waterbodies and stormwater ponds are exempt from these requirements.

4. Rule D.3.c is hereby revised as follows:

~~Stormwater runoff volume must be infiltrated/abstracted onsite in the amount equivalent to one point one inch (1.1") of runoff generated from new impervious surface.~~

For non-linear projects, stormwater runoff volume must be infiltrated/abstracted onsite in the amount equivalent to 1.1 inch of runoff from the sum of the new or fully reconstructed impervious surfaces.

Linear projects that create one acre or more of new or fully reconstructed impervious surfaces must meet all Commission requirements for 1.1 inches of runoff from the new impervious surface or 0.55-inches from the combination of new and fully reconstructed impervious surfaces, whichever is greater. When this volume cannot be treated within the existing right-of-way, a reasonable attempt to obtain additional right-of-way, easement, or other permission to treat the stormwater during the project planning process must be made. Volume reduction practices must be considered first. Volume reduction practices are not required if the practices cannot be provided cost effectively. If additional right-of-way, easements, or other permission cannot be obtained, owners of construction activity must maximize the treatment of the water quality volume.

5. Rule F.3.b is hereby revised as follows:

~~All new structures shall be constructed with the low floor at the elevation required in the municipality's ordinance, however, in no case shall the low floor be less than two feet above the regulatory elevation.~~

Structures shall be elevated to reduce flood risk as specified in Rule D.3.b.i.7.

**ELM CREEK WATERSHED MANAGEMENT COMMISSION
STATE OF MINNESOTA**

**RESOLUTION NO. 2022-01
ADOPTING A MINOR AMENDMENT TO THE THIRD GENERATION PLAN**

WHEREAS, on October 14, 2015, the Elm Creek Watershed Management Commission (Commission) adopted the *Elm Creek Watershed Management Commission Third Generation Watershed Management Plan*, (hereinafter, “Plan”); and

WHEREAS, the Commission has proposed a Minor Plan Amendment that

1. Would add three projects to Table 4.5 of the Capital Improvement Program (CIP) of the Plan; and
2. Would adopt revisions to Appendix C Rules and Standards of the Plan to
 - a. Make the rules consistent with the most recent Minnesota General Stormwater Permit; and
 - b. Clarify the Commission’s standards regarding the required freeboard between the high-water elevation of a constructed or natural water and the low floor or opening of a proposed adjacent structure.

WHEREAS, the proposed Minor Plan Amendment has been reviewed in accordance with the requirements of Minnesota Statutes, Section 103B.231; and

WHEREAS, on May 11, 2022, after legal and written notice duly given, the Commission held a public informational meeting to explain the proposed revisions; and

WHEREAS, the Commission has determined that it would be reasonable and appropriate and in the public interest to adopt the Minor Plan Amendment;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Elm Creek Watershed Management Commission that:

1. The Minor Plan Amendment is approved and adopted contingent upon approval by the Hennepin County Board of Commissioners, said approval anticipated forthwith.
2. Revisions to Rules, Sections D.2.b. and D.3.c., are effective November 30, 2022. All other revisions to the Rules and Standards are effective June 1, 2022.

3. Commission staff is directed to notify appropriate parties of the Amendment to the Plan.

Adopted by the Board of Commissioners of the Elm Creek Watershed Management Commission this eleventh day of May, 2022.

Doug Baines, Chair

ATTEST:

Judie Anderson, Recording Secretary

**STATE OF MINNESOTA
COUNTY OF HENNEPIN**

I, Judie A. Anderson, do hereby certify that I am the custodian of the minutes of all proceedings had and held by the Board of the Elm Creek Watershed Management Commission, that I have compared the above resolution with the original passed and adopted by the Board of said Commission at a regular meeting thereof held on the eleventh day of May, 2022, at 11:30 a.m., that the above constitutes a true and correct copy thereof, that the same has not been amended or rescinded and is in full force and effect.

IN WITNESS WHEREOF, I have hereunto placed my hand and signature this eleventh day of May, 2022.

(NO SEAL)

Judie A. Anderson
Recording Secretary

elm creek Watershed Management Commission

ADMINISTRATIVE OFFICE
3235 Fernbrook Lane
Plymouth, MN 55447
PH: 763.553.1144
email: judie@jass.biz
www.elmcreekwatershed.org

Towns at Fox Creek Rogers Project #2021-053

Project Overview:

Location: Southwest of Interstate 94 and just east of the intersection of Hynes Road and Aspen Drive in Rogers, MN

Purpose: Construction of 150 townhome lots with corresponding utilities, streets, and parking bays.

WMC Rules Triggered:

X	Rule D	Stormwater Management
X	Rule E	Erosion and Sediment Control
	Rule F	Floodplain Alterations
X	Rule G	Wetland Alteration
	Rule H	Bridge and Culvert Crossings
	Rule I	Buffer Strips

Applicant: M/I Homes of Minneapolis

Address: 5354 Parkdale Drive, Suite #100
St. Louis Park, MN, 55416

Attention:

Phone: None Listed

Email: None Listed

Agent: Carlson McCain

Address: 3890 Pheasant Ridge Drive, Suite #100
Blaine, MN, 55449

Attention: Bryan Krystofiak, Kyle Ogren

Phone: 763-489-7900

Email: Bkrystofiak@carlsonmccain.com
Kogren@carlsonmccain.com

Exhibits:	Description	Date Received
Application	<input checked="" type="checkbox"/> Complete ECWMC Application	November 29, 2021
	<input checked="" type="checkbox"/> ECWMC Request for Review and Approval	November 29, 2021
	<input checked="" type="checkbox"/> City authorization: Rogers, MN	November 23, 2021
	<input checked="" type="checkbox"/> Review fee: \$3,375	October 15, 2021
	<input checked="" type="checkbox"/> Project Documents (site plans, reports, models, etc.)	November 29, 2021

Submittals

- Site Construction Plans, dated October 21, 2021, prepared by Carlson McCain, revised on November 22, 2021, December 22, 2021, and January 27, 2022.
 - Construction drawing details
 - Erosion and Control sheet SWPPP
 - Grading Plan
- Elm Creek Watershed Management Commission Request for Plan Review and Approval

3. Stormwater Management Plan, dated October 8, 2021, prepared by Carlson McCain, revised on December 22, 2021 and January 27, 2022.
 - a. Stormwater narrative
 - b. Existing Conditions Drainage Map
 - c. Proposed Conditions Drainage Map
 - d. HydroCAD Model
 - e. MIDS Calculator Model
 - f. Geotechnical Exploration and Engineering Review, dated July 13, 2021, prepared by Braun Intertec

Findings

General

1. A complete application was received November 29, 2021. The initial 60-day decision period per MN Statute 15.99 expired January 28, 2021. The deadline of project was extended to March 29, 2023 (an additional year) to provide the Commission time to review the project and the applicant to comply with any requirements imposed by the Commission.
2. The existing parcel is 15.13-acres, which includes three single family lots, two small wetlands, and natural vegetation. Of the 15.13-acres, there is 1.59-acres of impervious. The site currently drains offsite in three directions: north, east, and south of the site.
3. The entire site ultimately drains to a Fox Creek, state Public Waters (ID 07010204-525), which flows to the Crow River.
4. The proposed construction includes 150 townhome lots with associated parking and streets. A stormwater pond and filtration basin are proposed on the central west side of the site.
5. The development will disturb 15.40 acres and create or reconstruct 7.98-acres of impervious area, 6.39-acres of which is net new impervious. Disturbance outside of the parcel is proposed to construct the site entrance and to construct a recreational trail.
6. Existing and proposed conditions HydroCAD models were created to model rate control.
7. A stormwater pond in the west- central portion of the site will be constructed and function as rate control for the site. A filtration basin will also be constructed to function as water quality and volume control.
8. Fill is proposed for the wetlands at the site.
9. Soil borings indicate sandy lean clay as the underlying soils throughout the site and beneath the proposed basin bottom, therefore, infiltration is not feasible.
10. There are no Elm Creek Watershed jurisdictional floodplains or stream crossings.

Rule D – Stormwater Management (plans)

General

1. The project will disturb 15.40 acres of a 15.13-acre parcel. The post-project impervious area will be 7.98 acres, 6.39-acres of which is net new impervious.
2. Soil boring logs indicate silty lean clay.
3. These underlying soils are predominantly Hydrologic Soil Group Type D (very low infiltration capacity).

Rate Controls

1. Rate control **meets** Commission requirements.
2. The project increases runoff rates toward the intersection of Hynes Road and Hynes Court. However, the applicant has demonstrated compliance with ECWMC criteria regarding runoff rate control on a sitewide basis and the City of Rogers has approved the increased rates.
3. Rate control for the site was provided by a filtration basin and stormwater pond on the central west side of the property.
4. The applicant provided proposed HydroCAD model output for the 2-year, 10-year, and 100-year events total outflow from each drainage point from the site. The rates are summarized in the table below:

Table 1 Rate of Discharge Leaving Site

Direction	Condition	2-year (cfs)	10-year (cfs)	100-year (cfs)
North toward Industrial Blvd	Pre-Project	6.3	12.7	27.0
	Proposed	3.8	6.8	13.2
	Change	-2.5	-5.9	-13.8
South toward intersection of Hynes Road and Hynes Court ¹	Pre-Project	5.4	10.8	19.3
	Proposed	8.3	14.8	28.0
	Change	+2.9	+3.9	+8.6
Total	Pre-Project	11.5	23.5	45.7
	Proposed	12.0	21.6	41.1
	Change	+0.5	-1.9	-4.6

1. Increases to Hynes Road and Hynes Court were allowed by Andrew Simmons on behalf of the City of Rogers in an e-mail dated 4/7/2022. There will be no negative impacts to downstream storm sewer or receiving waterbodies.

Low Floor Elevations

1. The high-water level of the pond and filtration basin is 919.2-feet and lowest floor elevation is 923.0. Low floors **meet** the Commission requirements for at least two feet of freeboard about the 100-year high-water level and one foot above the EOF (922.0).
2. The 100-year high-water level at the filtration basin and stormwater pond are both 919.2-feet.

Operation and Maintenance

For residential projects with a filtration system in the city of Rogers, the landowner is responsible for the maintenance of the stormwater management BMP's. A stormwater maintenance agreement with the city will be a condition of this approval.

Abstraction Controls and Water Quality

1. Abstraction controls **meet** Commission requirements.
2. New impervious areas will be 6.39 acres requiring abstraction of 25,515 cubic feet.

3. Full infiltration of 1.1 inches of runoff from impervious areas is not feasible due to low infiltration capacity soils.
4. The applicant proposes to use a stormwater pond and filtration basin to provide abstraction and meet water quality criteria. The proposed filtration basin has a water quality volume (that volume of storage below the outlet) of 0.673 ac-ft, or 29,306 cubic feet. The drawdown time is 25-hours, which is less than the required 48-hours (meets drawdown time).
5. The applicant used MIDs water quality calculator to simulate pollutant removal by the filtration system and stormwater basin.

Table 2 Water Quality Summary

	Annual Runoff Vol. (ac-ft)	Abstraction Vol. (cubic feet)	TP (lbs/year)	TSS (lbs/year)
Pre-Project	11.3	N/A	9.3	1,680
Proposed w/o BMP's	21.2	N/A	17.3	3,150
Proposed w/ filtration basin and stormwater pond	17.8	25,515 (<i>required amount</i>) 29,306 (<i>proposed amount</i>)	8.6	970
Change	+6.5	3,791 (exceeded) 29,708 (total)	-0.70	-710

Rule E – Erosion and Sediment Control (plans)

1. Plans **meet** Commission requirements for erosion and sediment control.
2. The erosion and sediment control plans are consistent with current best management practices, including:
 - a. Rock construction entrance
 - b. Silt fence
 - c. Catch basin inlet protection
 - d. Stabilization of disturbed soil areas

Rule G – Wetland Alterations (plans)

1. Wetland alterations **do not** meet the Commission's standards
2. Existing wetlands on site will be filled. The total wetland impact is 0.10 acres.
3. The city of Rogers is the LGU in charge of administering the Minnesota Wetland Conservation Act (WCA).
 - a. Wetland replacement in the amount of 0.20 acres (2:1) is required by the city of Rogers
 - b. Wetland replacements should be within Hennepin County
4. A wetland replacement plan has not been filed with the Commission, the wetland alterations for this site will require WCA approval.

Recommendation

Conditional Approval.

Conditions for Approval

1. Approval is contingent upon final application escrow fee balance. Additional payment or refund of the fees will be determined when all conditions for approval are met.
2. Provide a complete O&M agreement between the applicant and the City of Rogers for all stormwater facilities on the project site.
3. WCA Approval of the wetland fill and decision of outcome from the TEP.

On Behalf of Stantec Consulting Services, Inc.
Advisor to the Commission



5/2/2022
Date

Attachments

- | | |
|----------|------------------------------|
| Figure 1 | Project Location |
| Figure 2 | Existing Drainage Map |
| Figure 3 | Proposed Drainage Plan |
| Figure 4 | Erosion and Sediment Control |
| Figure 5 | Wetlands |

Figure 1 Project Location

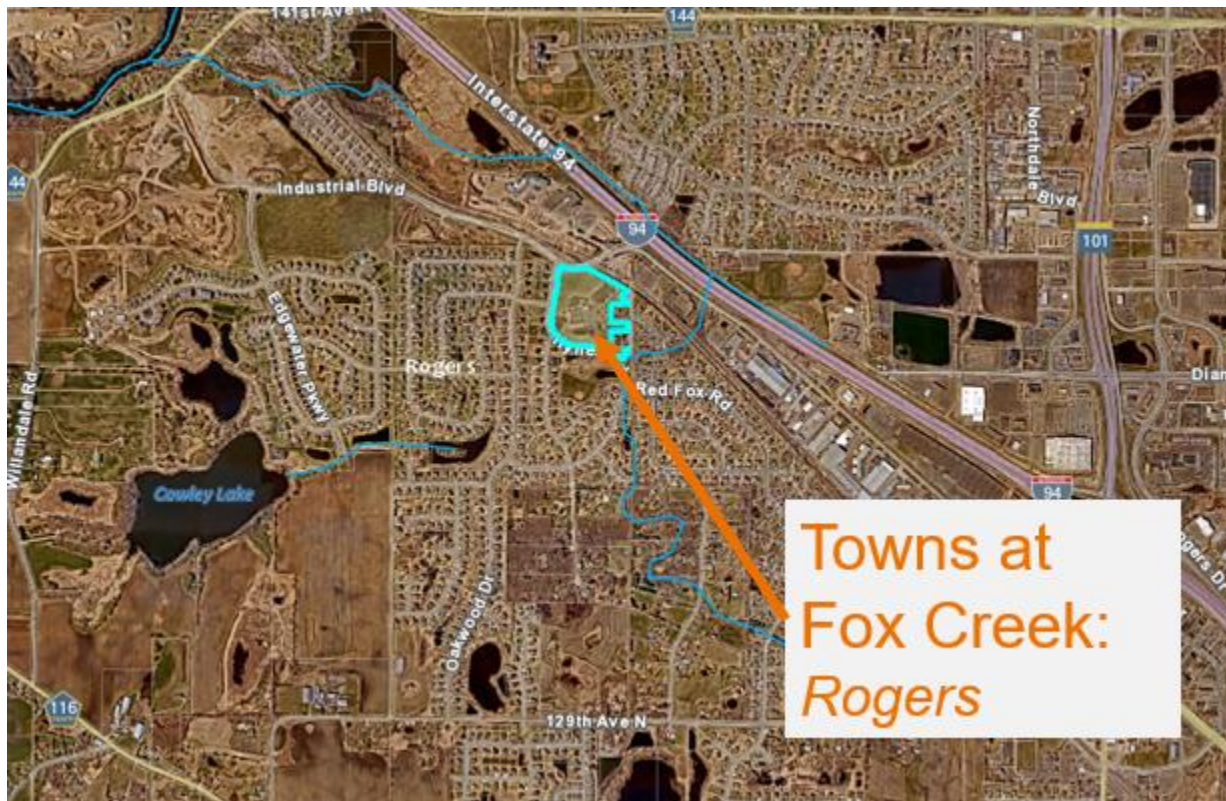


Figure 2 Existing Drainage Map

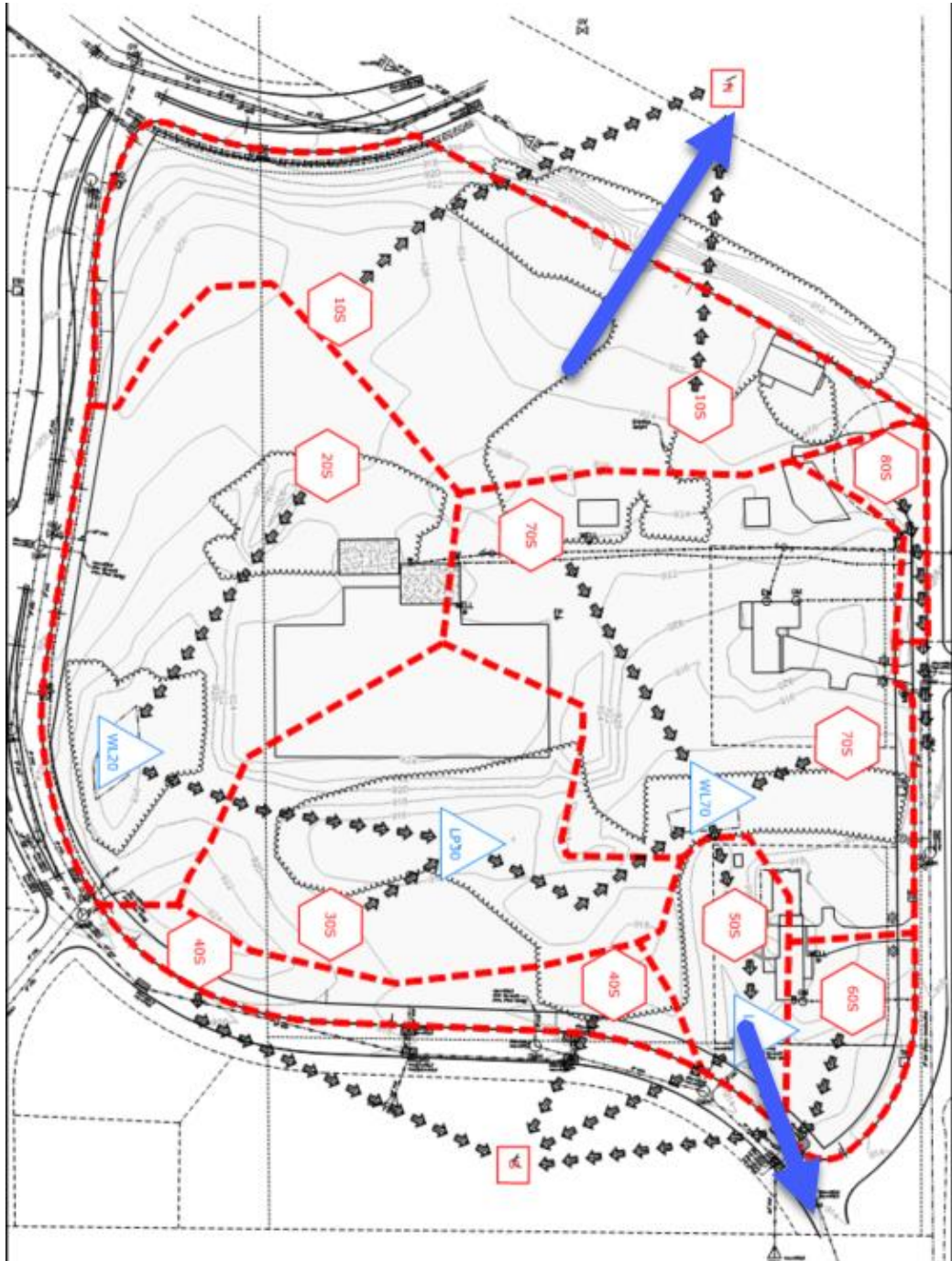


Figure 3 Proposed Drainage Plan

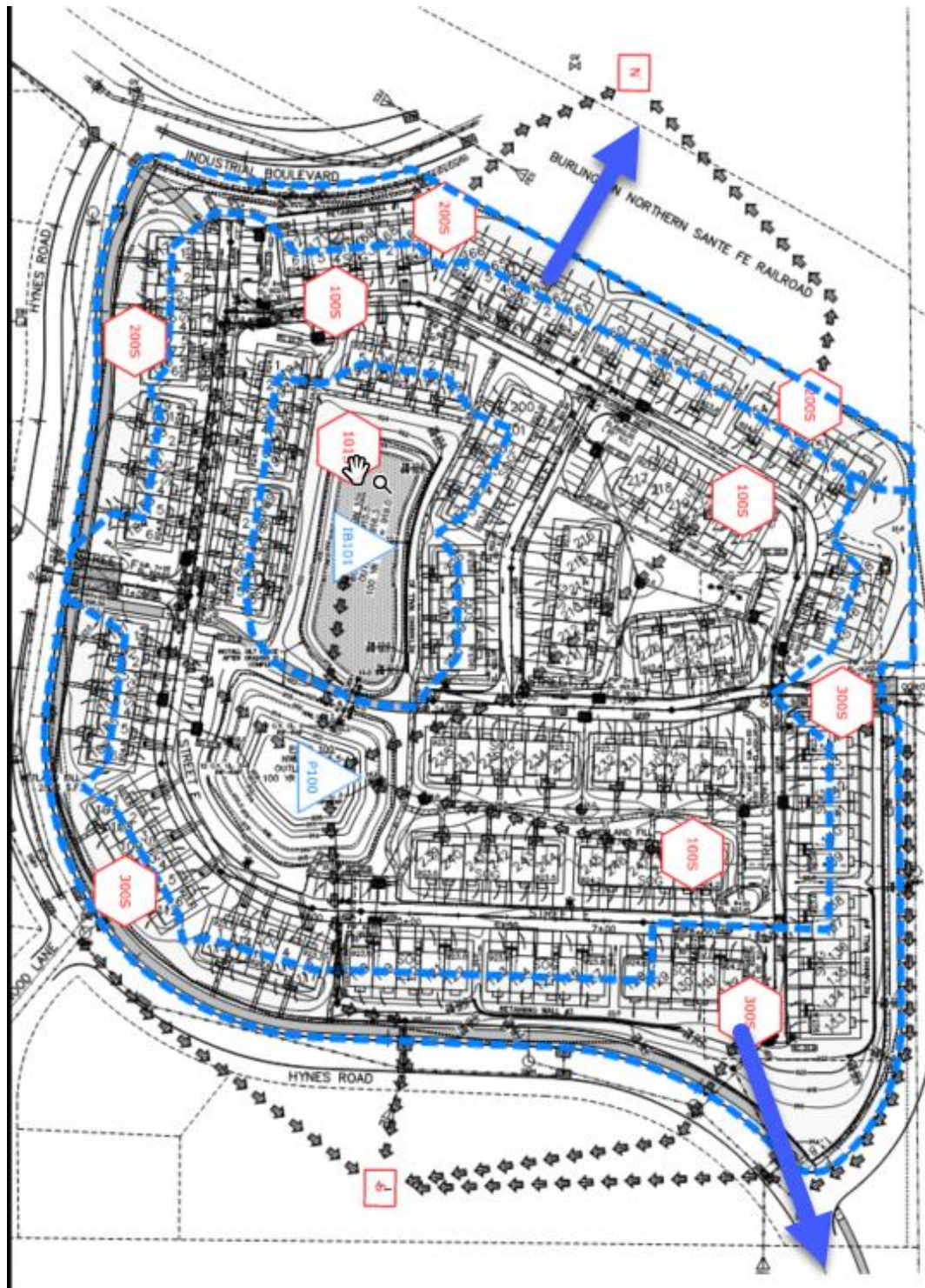


Figure 4 Erosion and Sediment Control

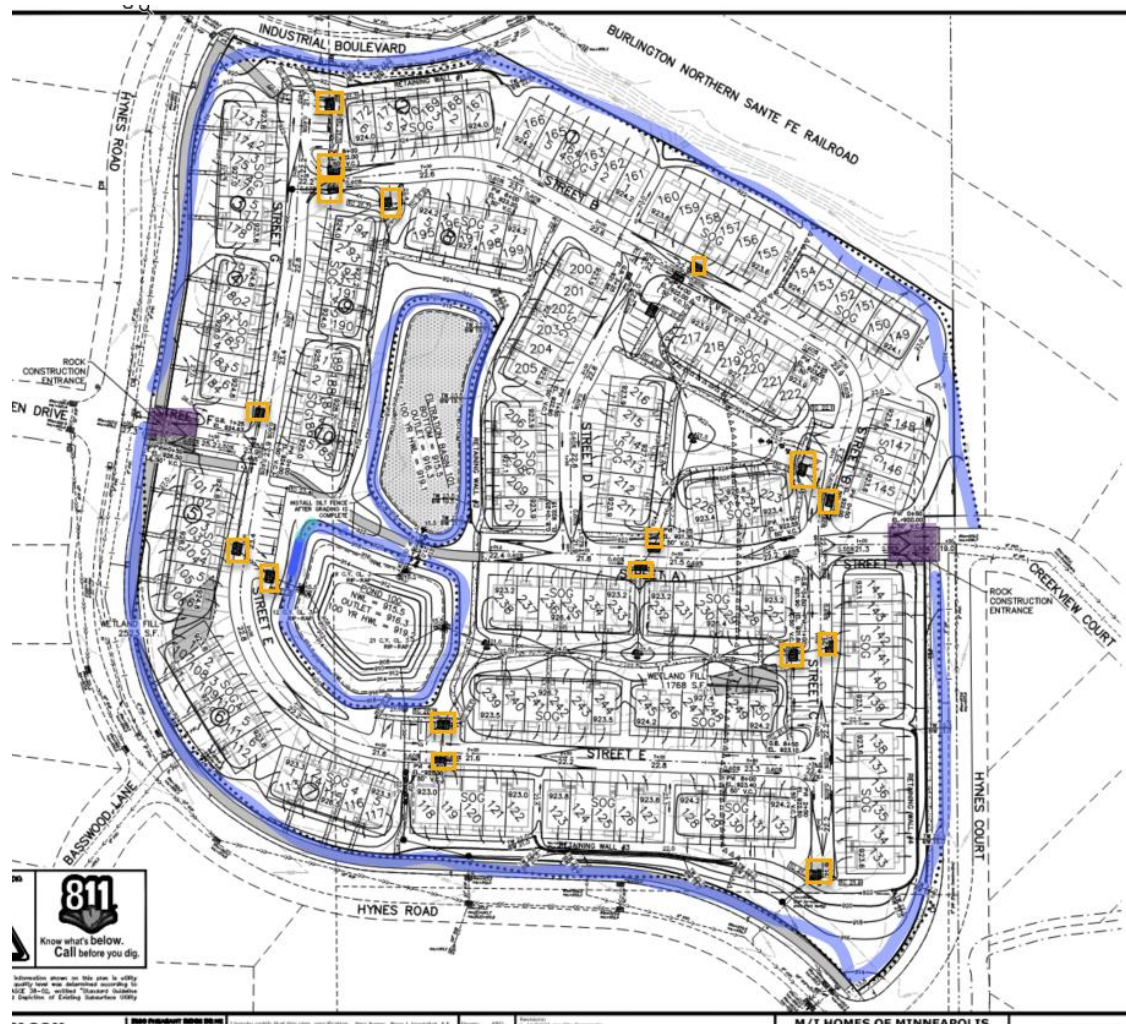


Figure 5 Wetlands



elm creek Watershed Management Commission

ADMINISTRATIVE OFFICE
3235 Fernbrook Lane
Plymouth, MN 55447
PH: 763.553.1144
email: judie@jass.biz
www.elmcreekwatershed.org

Stotts Farms Phase 1a BMP's -Rush Creek CWF Corcoran Project #2021-054

Project Overview:

Location: 100-acre agricultural parcel located between CR 19 and Jubert Lake about one mile north of the intersection of CR 19 and Highway 55. PID 3011923440003 and 2911923330001.

Purpose: Install five (5) grass waterways to stabilize channelized areas in farmed fields. Gradings and shaping said channels to accommodate crossing of farm equipment and establish perennial grass vegetation to prevent future gully erosion.

WMC Rules Triggered:

Rule D	Stormwater Management
X Rule E	Erosion and Sediment Control
Rule F	Floodplain Alterations
Rule G	Wetland Alteration
Rule H	Bridge and Culvert Crossings
Rule I	Buffer Strips

Applicant: Hennepin County Environment and Energy

Attention: Kristine Maurer

Address: 701 4th Ave. S.
Minneapolis, MN 55415

Phone: _____
Email: Kristine.maurer@hennepin.us

Agent: Stotts Family Farms

Attention: Jared Stotts

Address: P.O. Box 168
Delano, MN

Phone: 612-366-4876
Email: dirtdevilservices@yahoo.com

Exhibits:	Description	Date Received
Application	<input checked="" type="checkbox"/> Complete ECWMC Application	December 22, 2021
	<input checked="" type="checkbox"/> ECWMC Request for Review and Approval	December 6, 2021
	<input checked="" type="checkbox"/> City authorization: Corcoran, MN	December 6, 2021
	<input checked="" type="checkbox"/> Review fee: \$675	December 6, 2021
	<input checked="" type="checkbox"/> Project Documents (site plans, reports, models, etc.)	December 22, 2021

Submittals

- Jubert Lake BMP Design and Survey; Phase 1A by EOR Inc., no date or signature, last revision date of October 25, 2021. 18 of 18 sheets
- Jubert Lake Phase 1A Grassed Waterway Flow Rates table received via email from EOR Inc, March 28, 2022
- Hennepin County Department of Environment and Energy email dated February 16, 2022, extending the ECWMC 15.99 decision deadline to April 21, 2022.

Findings

General

- A complete application was received December 22, 2021. The initial 60-day decision period per MN Statute 15.99 expired, February 20, 2022. The applicant requested and received a 60-day extension to April 21, 2022.
- This site is approximately 80 acres of agricultural cropland.
- Wetlands were delineated by EOR. No wetlands impacts are proposed.
- Normal agriculture cropland production has created excessive erosion of the channelized areas in the farm fields.
- Project site plans were developed by EOR in accordance with the USDA MN Natural Resource Conservation Service Minnesota Engineering Field Handbook.
- Five (5) grass waterways will be constructed throughout this farm to control the excessive channel erosion. This will be done in cooperation with The Hennepin County Department of Environment and Energy,
- Per ECWMC resolution, ECWMC technical staff has authorization to provide administrative approval for grading and erosion control projects (Rule E) if it is determined the project is in compliance with this rule.

Rule E – Grading, Erosion and Sediment Control

- All five waterways are proposed to be constructed in 2022.
- Capacity and dimensions of the waterways are determined by a 10-year 24-hour peak discharge rate for each watershed draining into each of them.

Table 1 Best Management Practice drainage areas and discharge

Waterway Number	Drainage Area (Acres)	10-year 24-hour peak discharge (Cubic feet per second)
#4	1.81	7.97
#9 N	3.18	15.09
#9 S	4.33	20.57
#13 NW	2.39	11.60
#13 NE	1.90	8.80

- Stability was determined by the MN NRCS standards on the minimum width and depth of a grassed lined, open channel. All 5 waterways were designed and considered stable by said standards. Note the maximum velocity for a grassed line channel is 4.5 feet per second for the 10-year, 24-hour storm event. Velocities >4.5 feet per second will scour and be unstable.
- The outlet sections of waterways 9-N, 9-S and 13-NE are lined with rock aprons and forebays for stability where they junction with an existing channel.
- The outlets to waterways 4 and 13 NW were determined to be stable with vegetation only.
- Final vegetation planting is specified as a USDA MN agricultural cool-season grass mix of brome grass, orchard grass, tall fescue, birdsfoot trefoil and white and red clovers.
 - a. All waterways will be lined with wood fiber sediment control logs and wood fiber curlex netfree erosion control blankets for erosion protection until the vegetation is established.

Table 2 Best Management Practice dimensions

Waterway	Length (Feet)	Bottom Width (feet)	Side-slopes (Ratio horizontal length to vertical height)	Depth (Feet)	Maximum Velocity (Feet per second)
#4	382	32	8:1/4:1	1.0	2.36
#9 N	450	16	8:1/4:1	1.0	3.21
#9 S	500	16	8:1/4:1	1.0	4.03
#13 NW	315	8	8:1/4:1	1.0	3.75
#13 NE	386	16	8:1/4:1	1.0	3.55

Operation and Maintenance

Appropriate long-term operation and maintenance procedures for the BMP's are to be reviewed with the landowner by the applicant and will be the landowner's responsibility.

Decision

Site plans follow the ECWMC grading and erosion control requirements per Rule E.

Site plans are approved contingent upon certification from the applicant or their engineer, that the final BMPs were constructed according to the USDA MN Natural Resource Conservation Service Technical Handbook requirements (dated August 2020).

James C. Kujawa
Surface Water Solutions
Advisor to the Commission



4/12/22
Date

Attachments

- Figure 1 Project Location
- Figure 2 Typical Overview and Cross Section

Figure 1 Project Location

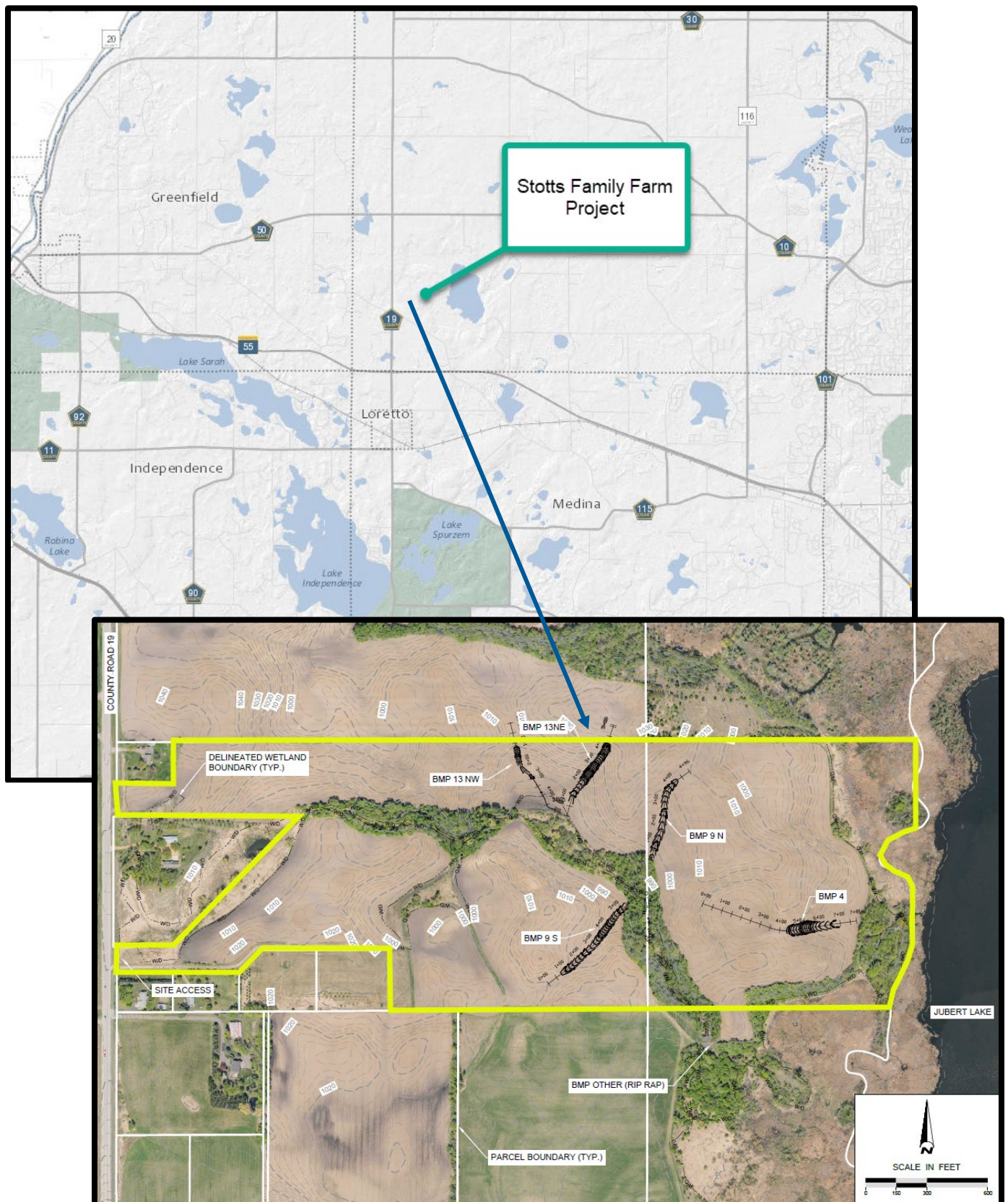
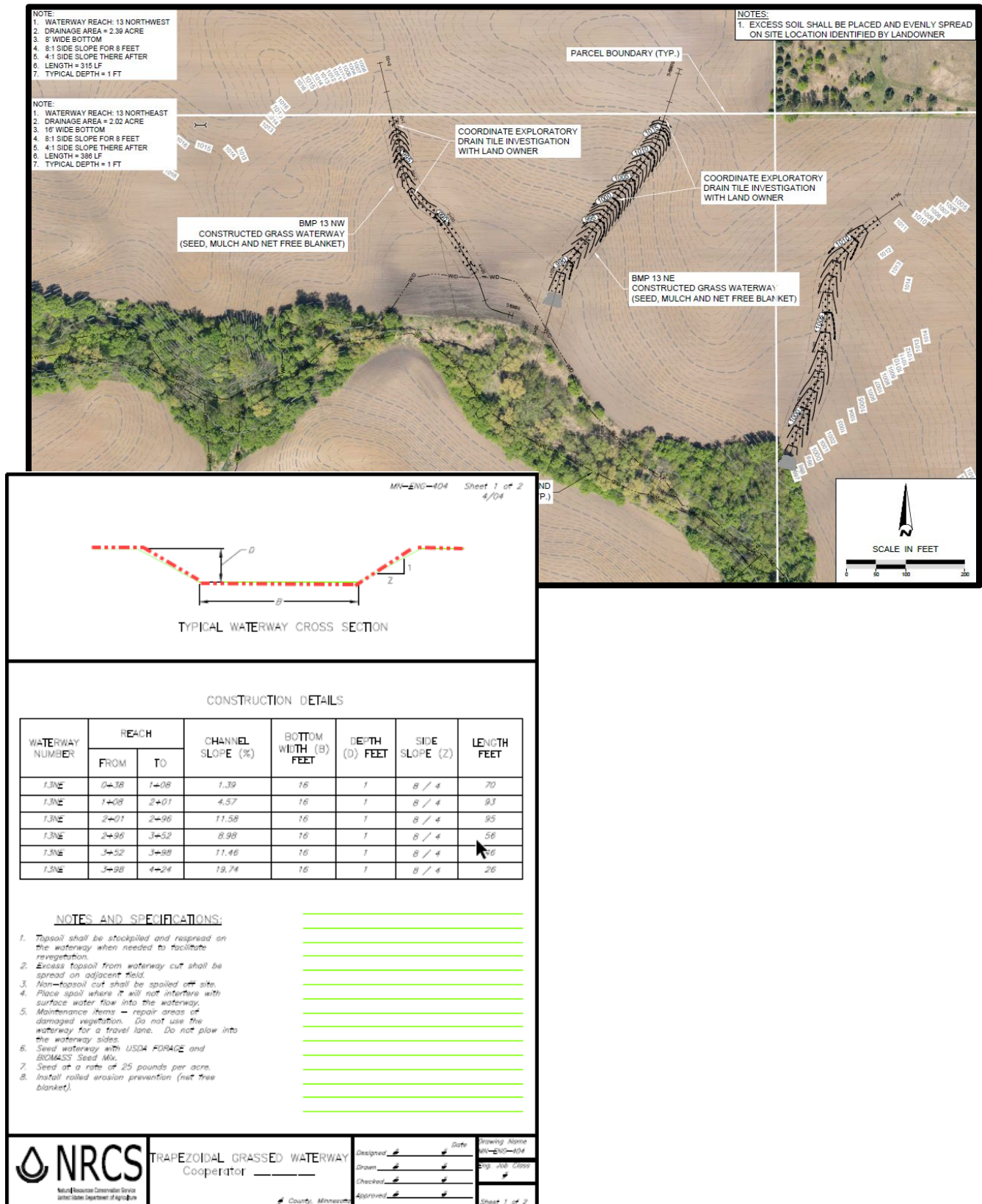


Figure 22 Typical Overview-and cross section.



elm creek Watershed Management Commission

ADMINISTRATIVE OFFICE
3235 Fernbrook Lane
Plymouth, MN 55447
PH: 763.553.1144
email: judie@jass.biz
www.elmcreekwatershed.org

Dayton Field 2nd Addition Dayton Project #2022-001

Project Overview:

Location: The project site is located between Brockton Lane (CR 13) and French Lake Road West about ¼ mile north of the Brockton Lane/CR 81 intersection.

Purpose: The proposed project consists of developing two existing parcels into two light industrial lots (18.75 & 17.9 acres), one undisturbed outlot (15.1 acre) and a public ROW street along the south property line (4.1 acres). The industrial lots are proposed to be an industrial building with its associated parking and driving lanes and a self-storage facility.

WMC Rules Triggered:	X	Rule D	Stormwater Management
	X	Rule E	Erosion and Sediment Control
		Rule F	Floodplain Alterations
	X	Rule G	Wetland Alteration
	X	Rule I	Buffer Strips

Applicant: Alro Steel Corporation
Address: 3100 E. High St.
Jackson, MI 49203

Attention: John Rumler
Phone: 517.787.5500
Email: jrumler@alro.com

Agent: Carlson McCain, Inc.
Address: 3890 Pheasant Ridge Dr.NE
Blaine, MN 55449

Attention: Joe Radach
Phone: 763.489.7900
Email: jradach@carlsonmccain.com

Exhibits:	Description	Date Received
Application	<input checked="" type="checkbox"/> Complete ECWMC Application	January 31, 2022
	<input checked="" type="checkbox"/> ECWMC Request for Review and Approval	January 31, 2022
	<input checked="" type="checkbox"/> City authorization: Dayton, MN	January 28, 2022
	<input checked="" type="checkbox"/> Review fee: \$4,050	January 31, 2022
	<input checked="" type="checkbox"/> Project Documents (site plans, reports, models, etc.)	January 29, 2022

Submittals

1. Elm Creek Watershed Management Commission Project Review Fee Schedule
2. Site Plans, prepared by Carlson McCain, Inc., dated February 1, 2022, revised on April 8, 2022, and May 2, 2022.
 - a. Sheet 1 of 22, Cover Sheet
 - b. Sheet 2 of 22, Existing Conditions

- c. Sheet 3 of 22, Preliminary Plat
 - d. Sheets 4 to 6 of 22, Site and Utility Plan
 - i. Sheet 4.1 revised May 2, 2022
 - e. Sheet 7 to 9 of 22, Grading, Drainage and Erosion Control Plan
 - i. Sheet 7.0 revised May 2, 2022
 - f. Sheet 10 of 22, Details
 - g. Sheets L1 to L7 of 22, Landscape Plans
 - h. Sheet TP1 to TP5 of 22, Tree Preservation Plan
3. Dayton Field 2nd Addition Public Improvement Plans by Carlson McCain dated February 1, 2022, revised April 8, 2022, and May 2, 2022. 17 of 17 sheets. Sheets 5 and 16 of 17 revised May 2, 2022.
4. *Elm Creek Watershed Management Commission Request for Plan Review and Approval received January 31, 2022.*
5. *Stormwater Management Plan*, prepared by Carlson McCain Inc., dated October 1, 2021, Revised November 12, 2021, and April 8, 2022.
 - a. *Stormwater narrative*
 - b. *Existing and Proposed Conditions Drainage Maps*
 - c. *Storm Sewer Drainage Map*
 - d. *Existing and Proposed Conditions HydroCAD Models.*
 - e. *MIDS Model*
 - f. *Storm Sewer and Pond Design Calculations*
 - g. *Soil Boring location diagram and boring logs 1 to 7 by Northern Technologies LLC, dated August 20 and 22, 2019.*
6. *Vegetation seeding and management plan for Alro Steel, Dayton, provided with April 8, 2022, submittal.*
7. *Draft stormwater maintenance agreement with Dayton and Alro Steel for the operation and maintenance of stormwater basin 20.*
8. *MN WCA Information*
 - a. *Wetland replacement plan, Notice of Application dated October 7, 2021.*
 - i. *Alro Steel Wetland Permit Application by Kjolhaug Environmental Services Co. Inc. dated October 1, 2021.*
 - b. *Wetland replacement plan Notice of Decision (approved with conditions) dated November 24, 2021.*
9. *ECWMC Project 2021-032, Dayton Park Industrial Center Environment Assessment Worksheet project file.*

Findings

General

1. A complete application was received January 31, 2022. The 60-day decision period per MN Statute 15.99 was extended to May 31, 2022.
2. The two existing parcels are 55.78 acres in size, located directly east of Brockton Lane (CR 13) ¼ mile north of the intersection of CR 13 and CR 81. The parcel is in the French Lake sub watershed of the Elm Creek Watershed area. This site drains east into French Lake. French Lake outlets into a ditch system which drains north and east about 1.5 miles to Diamond Creek near Zanzibar Lane. Diamond Creek meanders for about 5 miles before reaching the Elm Creek floodplain/wetland area of Haydens Lake.

3. The existing conditions for this project site consist mostly of agricultural fields with small areas of woods (~7 acres) and several wetlands (4.2 acres) and one treatment pond area (0.7 acres). Historically, prior to 2017, This area was utilized as a wastewater treatment ponding area (~7.8 acres) with an irrigation distribution system over contoured and terraced grass meadow fields (~17.5 acres) with the remaining areas in agriculture use.
4. The current project proposes grading 41 acres and constructing the two facilities and their infrastructure including 121st Ave N, a public street between Brockton Lane and French Lake Road West. The outlot area (~15.1 acres) will not be disturbed during this work.
5. Two ponding/filtration basins are proposed to function as volume, water quality, and rate control for the stormwater runoff from Lots 1 and 2.
6. A wetland replacement plan has been approved for 1.58 acres of impacts to 3 wetlands. To mitigate for the impacts, the applicant proposes to purchase 3.156 acres wetland credits located in the Metro Mississippi River watershed (#20) Bank Service Area 7 from the BWSR Wetland Banking program
7. Soil borings show lean clay and sandy lean clay as underlying soils throughout much of the site and beneath the proposed basin footprints, infiltration is not feasible.

Rule D – Stormwater Management (plans)

General

1. There are 4 main points of discharge from this project
 - a. North discharge. In the North and Northwest area of the site, 4.41 acres flow into wetland 8, the road ditch along CR 13 and overland flow before it drains into the French Lake Industrial Park.
 - b. NE culvert discharge. 41.1 acres drain to a 12" culvert under French Lake Road W. 36.2 acres from this site and 6.1 acres from off-site.
 - c. SE culvert discharge. 53.8 acres drain to a 36" corrugated plastic culvert that flows under French Lake Road W. 3.2 acres from the lot 2, 13.4 acres from outlot A and 33.9 acres from off-site.
 - d. South discharge. 4.8 acres from outlot A flows south into the French Lake Road ditch. It flows further south and east before going under French Lake Road into the French Lake wetland/lake area. Note, the south discharge area will not be disturbed. There will be no impacts at this discharge point.
2. Before development there is 15.1 acres of impervious areas located mostly in the mobile home park area that drain through this site.
3. After development there will be 40.2 acres of impervious areas.
4. There will be 25.1 acres of new net impervious areas after development.
5. Prior to 2017, approximately 32 acres from this site was a wastewater treatment pond and irrigation distribution area constructed as part of the mobile home park.
 - a. To compare the runoff flow rates from the past 10 years of land use for the existing conditions, the applicant utilized a weighted average that generally equated to a brush/grass cover (RCN 78). This is roughly consistent with the site conditions over the most recent six years.
 - b. To compare before and after water quality loads from the wastewater treatment areas, the applicant used a MIDS model with pervious cover curve number of 78 and 80 respectively. Staff analyzed the water quality loads from these same areas with the MIDS model using a weighted average of C and D hydrologic group soils with managed turf grass conditions for the before and after conditions. This is roughly consistent with the site conditions over the most recent six years.

6. Soil borings indicate lean clay and sandy lean clay (CL and SC unified soil classifications) as underlying soils throughout much of the site and beneath the proposed basin footprints, infiltration is not feasible.
7. Stormwater management and controls will be provided by two filtration basins. The first basin is north of the new Alro building and will flow east into the second basin before flowing under West French Lake Road.

Rate Controls

1. Current rate control model **meets** Commission standards.
2. The applicant provided pre- and post-development HydroCAD model output for the 2-year, 10-year, and 100-year events which are summarized in Table 1.

Table 1 Rate of Discharge Leaving Site

Direction	Condition	2-year (cfs)	10-year (cfs)	100-year (cfs)
Drainage to North	Pre-Project (4.4 acres)	6.9	13.9	29.3
	Proposed (1.2 acres)	1.8	4.1	8.2
	Change (-3.2 acres)	-5.1	-9.8	-21.1
Drainage to Northeast	Pre-Project (41.1 acres)	32.4	63.0	131.6
	Proposed (47.8 acres)	9.7	33.0	98.1
	Change (+6.7 acres)	-22.7	-30.0	-33.5
Drainage to Southeast	Pre-Project (54.0 acres)	40.5	71.4	147.3
	Proposed (50.5 acres)	38.4	68.2	138.3
	Change (-3.5)	-2.1	-3.2	-9.0
Drainage to South	Pre-Project (4.8 acres)	5.9	12.1	26.0
	Proposed (4.8 acres)	6.0	12.1	26.0
	Change (0 acres)	+0.1 *Model anomaly	0	0

* No actual change in land use or drainage conditions. Model anomalies

Low Floor Elevations

1. Low Floor Elevations **meet** the Commissions requirements
2. Proposed low floor elevations for Arlo Steel building will be 944.0 -feet.
 - a. Adjacent wetland 8 is a flow through wetland areas with a NWL=939.5±. Maximum HWL = 940.0 before outflow occurs to the north and east.
 - b. Adjacent ponding basin 20P has a HWL of 932.0 and an overflow of 932.5.
3. Proposed low floor elevation for the storage facility buildings will be 934.5.

- a. Adjacent ponding basin 20P has a HWL of 932.0 and an overflow of 932.5
- b. Adjacent ponding basin 10P has a HWL of 915.4 and an overflow of 916.2.

Abstraction Controls and Water Quality

Abstraction and water quality controls **meet** Commission requirements.

1. The applicant proposes to provide abstraction control and water quality treatment by using two stormwater basins with filtration. Both basins will have adequate forebays for pretreatment of sediment upstream of the sand filter media.
2. New, net impervious areas will be 25.1 acres. This equates to 100,224 cubic feet of abstraction required for a 1.1' runoff event from the new, net impervious areas.
3. Full infiltration of 1.1 inches of runoff from impervious areas is not feasible due to low infiltration capacity soils. Soil borings completed by Northern Technologies; LLC in August 2019 confirm the design assumptions relating to low infiltration capacity of native soils at the site.
4. The two filtration benches and forebay areas are sized to filter 4.00-acre feet (174,414 cu. ft) of stormwater through their respective underdrain systems prior to discharge of water in their primary outlet structures. Pond 20 will drain down in approximately 32 hours and pond 10 will drain down in approximately 28 hours.
5. The applicant used the MIDS model, to demonstrate water quality compliance for the project.
6. Because of the land use changes and various alternatives to analyze this site, ECWMC staff developed and modeled this site using their own MIDS model results as a comparison to the applicants MIDS model. Table 2 shows the applicant's water quality modeling results with the ECWMC Staff MIDS results in parentheses.

Table 2 Abstraction Control and Water Quality Criteria Summary (parentheses=EC staff est.)

	Annual Runoff Vol. (ac.-ft)	Abstraction Vol. (Cubic feet)	TP¹ (lbs/year)	TSS¹ (lbs/year)
Pre-Project	67.1	N/A	52.9 (54.9)	9,947 (9,980)
Proposed (w/o BMP's)	107.2	100,224 required	84.6 (90.0)	15,892 (16,355)
Proposed (w/ BMP's)	105.8	174,414	47.2 (49.4)	5,720 (7,408)
Change	+38.7	+74,190	-5.7 (-5.5)	-4,227 (-2,272)

¹ MIDS analysis compared EC staff in parentheses

Operation and Maintenance

1. A draft stormwater operation and maintenance agreement for the basin directly north of the Alro Steel building was provided with the most recent updates. This agreement is acceptable to the ECWMC. If the city agrees to maintaining the easterly basin, no additional agreements are necessary, otherwise this basin will require a similar agreement.

Rule E – Erosion and Sediment Control

1. Plans meet Commission requirements for erosion and sediment control.
2. The erosion and sediment control plans include a stormwater pollution prevention plan that is consistent with the MPCA and NPDES general permits.
 - a. Sequencing of erosion control measures, temporary drainage systems, temporary sediment basins and filter basins have been provided as part of the SWPPP plan for this site. Other BMPS that are included are:

- i. Rock construction entrance
- ii. Silt fence and Bio-rolls
- iii. Double (redundant) silt fence adjacent to delineated wetland boundaries
- iv. Inlet protection
- v. Stabilization of disturbed soil areas.
- vi. Appropriate concrete washout provisions.

Rule G – Wetland Alteration

1. Three wetland basins will be filled during construction, impacting 1.5781 acres
2. The city of Dayton is the LGU in charge of administering the Minnesota Wetland Conservation Act (WCA).
 - a. The wetland delineation for this property was approved by the City of Dayton in December 2020.
 - b. A wetland replacement plan was approved by the city of Dayton in November 2021.
 - c. Wetland replacement in the amount of 3.1562 acres (2:1) is required by the city of Dayton.
 - d. The city of Dayton approved the applicants request to purchase 3.1562 acres wetland credits from two wetland banks located in the Major Watershed (Mississippi River – Metro; #20) and Bank Service Area (BSA7). 0.3978 acres were approved from Hennepin County Hampton Hills Bank in Plymouth. The other 2.7584 acres will be purchased in Blaine, Anoka County.
3. No new impervious areas or increased nutrient loads will discharge into the two wetlands that remain in these parcels.

Rule I – Buffer Strips

Plans will **meet** Commission requirements for buffer strips.

1. Wetlands 5 and 8 will have vegetation establishment and maintenance plan that meets the Commission's Rule I, section 8, wetland buffer strip vegetation requirements.
2. Wetland buffer widths will meet the Commission's 25-foot average and 10-foot minimum widths.
3. Wetland buffer monumentation will meet the Commission's requirements.

Recommendation

Approval contingent upon:

- 1) Receipt of final application escrow fee balance. Additional payment or refund of the fees will be determined when all conditions for approval are met.
- 2) Operation and maintenance agreement must be established and recorded on the property if the City of Dayton will not maintain the ponding areas.



James C. Kujawa
Surface Water Solutions
Advisor to the Commission

May 3, 2022
Date

Attachments

- Figure 1 Project Location
- Figure 2 2018 Aerial Photograph
- Figure 3 2009 Historic Wastewater Treatment Area
- Figure 4 Existing Drainage Areas
- Figure 5 Proposed Drainage Areas)
- Figure 6 Grading Plans

Figure 1 Project Location

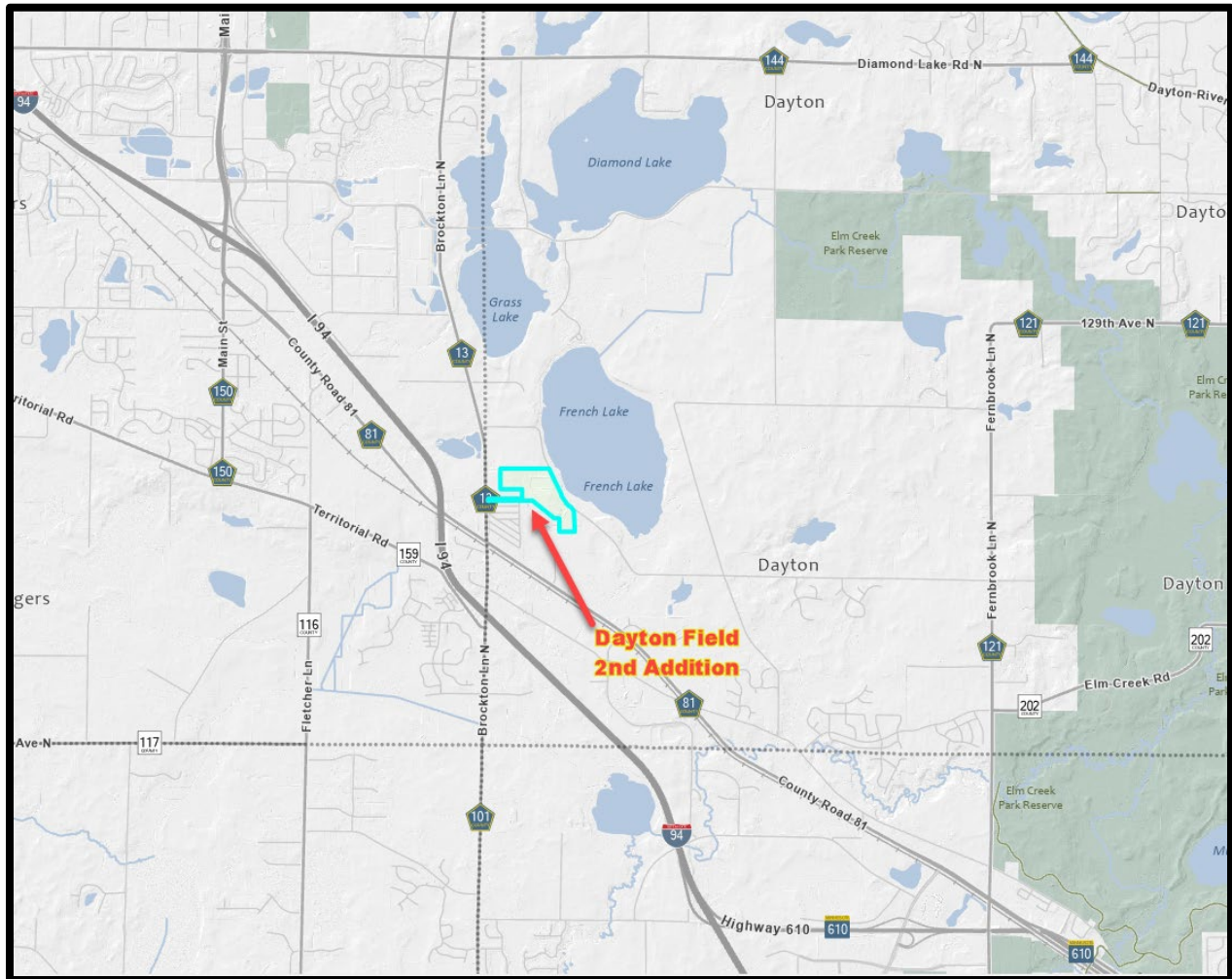


Figure 2 2018 Aerial Photo



Figure 3 2009 Aerial of Historic Wastewater Treatment Areas



Figure 4 Existing Drainage

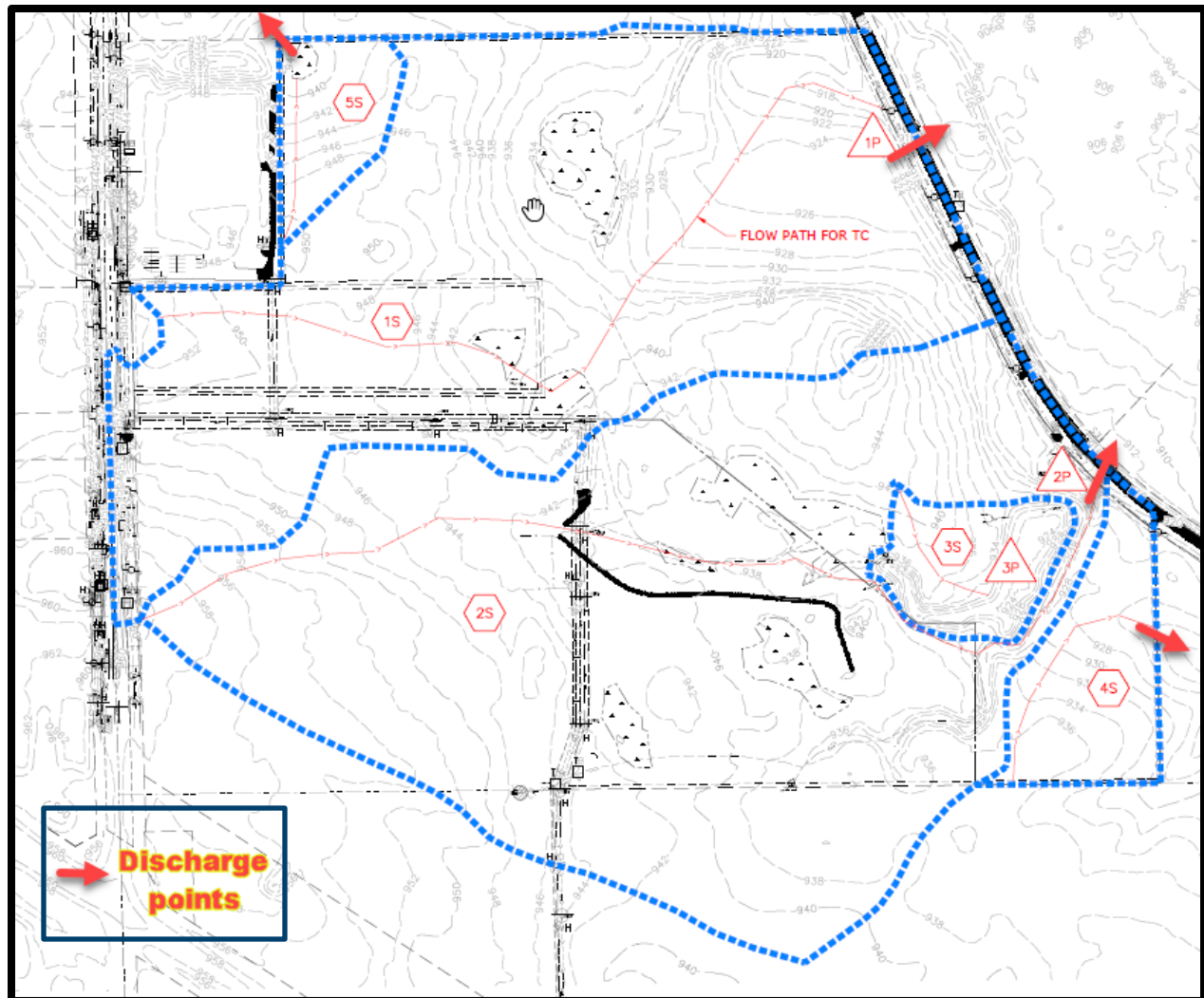


Figure 5 Proposed Drainage

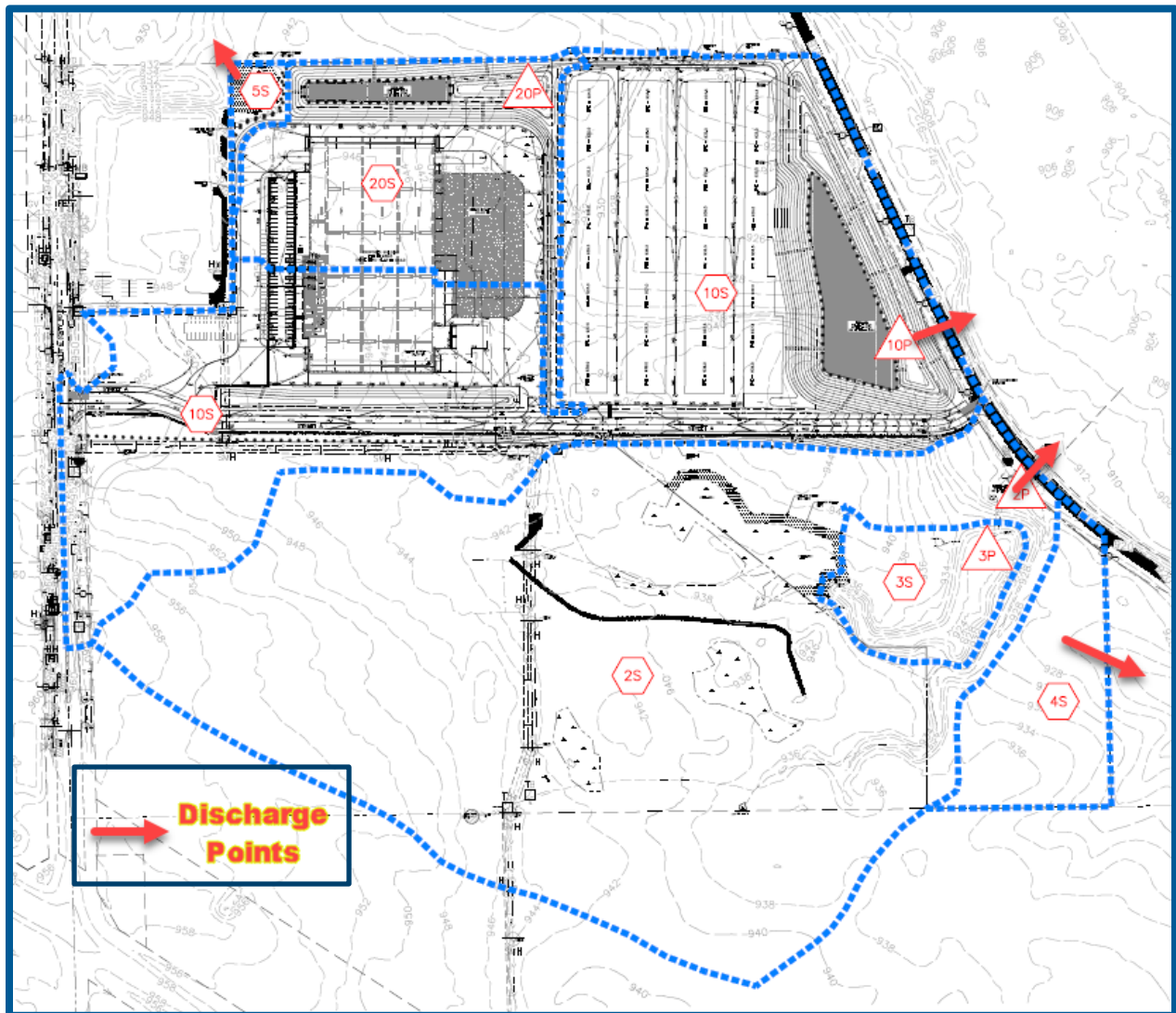
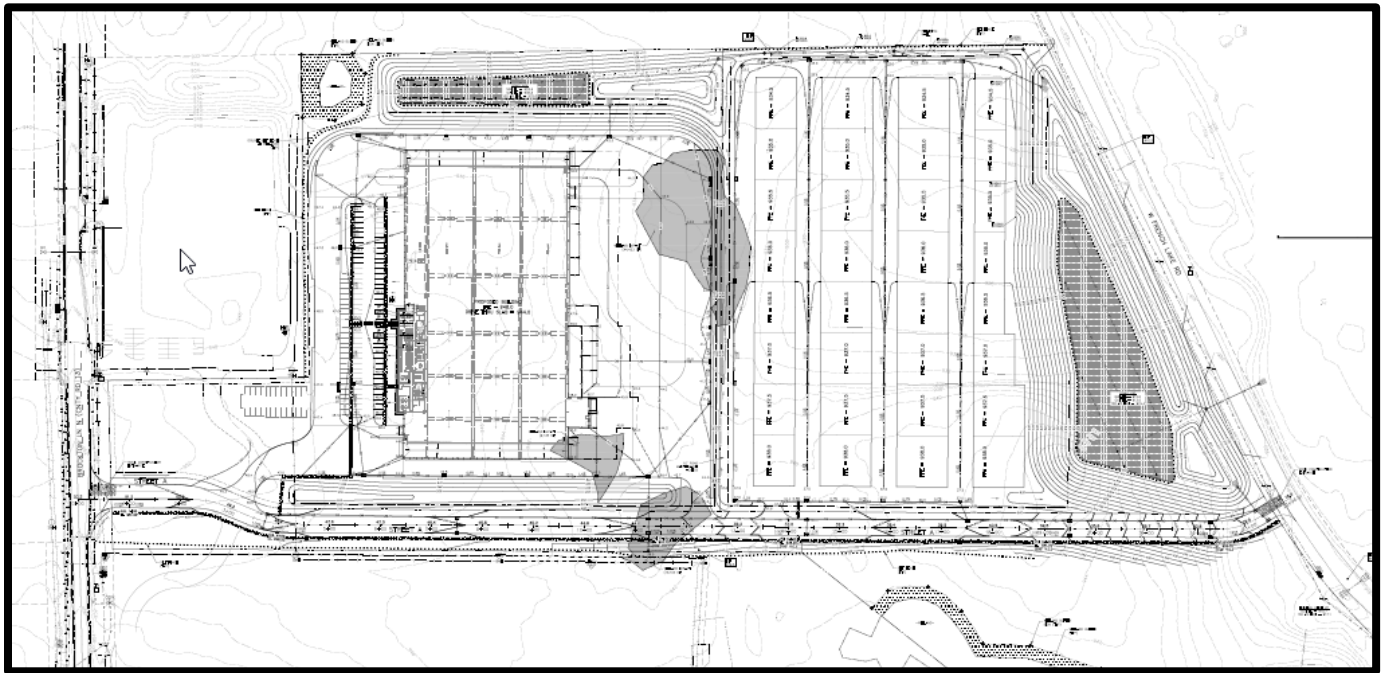


Figure 6 Proposed Grading Plan



elm creek Watershed Management Commission

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Arrowhead Drive Turn Lane Expansion Medina Project #2022-011

Project Overview:

Location: A 2.92-acre linear project on a 961-foot section of Arrowhead Drive north of Trunk Highway 55.

Purpose: Expand Arrowhead Drive to include an outside turn lane for a complex to the west. Project includes a stormwater basin for which includes treatment of future parking lot expansion.

WMC Rules Triggered:

X	Rule D	Stormwater Management
X	Rule E	Erosion and Sediment Control
X	Rule F	Floodplain Alterations
X	Rule G	Wetland Alteration
	Rule H	Bridge and Culvert Crossings
	Rule I	Buffer Strips

Applicant:	City of Medina	Attention:	Dusty Finke
Address:	2052 County Road 24 Hamel, MN 55340	Phone:	(763) 473-4643
		Email:	dusty.finke@medinamn.gov
Agent:	Earth Evans	Attention:	Earth Evans
Address:	701 Xenia Ave S Golden Valley, MN 55416	Phone:	(612) 437-5623
		Email:	eevans@wsbeng.com

Exhibits:	Description	Date Received
Application	<input checked="" type="checkbox"/> Complete ECWMC Application	March 15, 2022
	<input checked="" type="checkbox"/> ECWMC Request for Review and Approval	February 24, 2022
	<input checked="" type="checkbox"/> City authorization: Medina, MN	February 24, 2022
	<input checked="" type="checkbox"/> Review fee: \$3,375	March 7, 2022
	<input checked="" type="checkbox"/> Project Documents (site plans, reports, models, etc.)	March 03, 2022

Submittals

1. Construction Drawings, dated February 02, 2022, prepared by WSB.
2. Minnesota Wetland Conservation Act Notice of Application, dated March 03, 2022, prepared by WSB.
3. HydroCAD report, dated February 28, 2022, prepared by WSB.
4. Stormwater memorandum, dated February 28, 2022, prepared by WSB.
5. Geotechnical Report, dated April 26, 2021, prepared by WSB.
6. Wetland delineation report, dated March 01, 2022, prepared by WSB.

7. Updated HydroCAD and P8 Models, dated March 30, 2022, prepared by WSB.
8. Updated Construction Drawings, dated February 02, 2022, prepared by WSB.
9. Existing and Proposed P8 files, received April 14, 2022, prepared by WSB.
10. Updated Erosion and Sediment Control Plans (sheets 28-30), dated February 02, 2022, prepared by WSB.
11. Updated HydroCAD report, printed March 30, 2022, prepared by WSB.

Findings

General

1. A complete application was received March 15, 2022. The initial 60-day decision period per MN Statute 15.99 expires May 14, 2022.
2. Existing site is primarily existing impervious roadway and surrounding ditches.
3. Two wetlands and one ditch wetland are present in the parcel: shallow marshes and seasonally flooded basin (ditch).
4. The proposed construction plans consist of expanding the existing Arrowhead Drive road to include a turn lane on the west side. The project will include stormwater BMPs which will be sized to include a future parking lot expansion to the west, on the Open Systems International (OSI, Inc.) Parcel.
5. The proposed Arrowhead Drive reconstruction will disturb 1.58-acres and create 0.29-acres of net new impervious surfaces (not including proposed sedimentation pond surface). The future OSI, Inc. parking lot expansion will include 1.56-acres of new impervious and is included in the required volume treatment calculations.
6. Three soil borings were collected in the project vicinity and largely indicate sandy lean clay with organics as underlying soils throughout the site. One of the borings show a groundwater level the surface elevation of 988.5 in the wet ditch. The other two borings show groundwater levels 7-10 feet below the surface at elevations of 983-979.5 feet. Given site elevations, the groundwater table, and predominantly clayey-sand fill layers, infiltration is not feasible.
7. There is a FEMA jurisdictional floodplain adjacent to the site.

Rule D – Stormwater Management

General

1. The proposed project will disturb 1.58-acres and create 0.29-acres of net new impervious surfaces. The future OSI, Inc parking expansion will add 1.56-acres of net new impervious surfaces, having a total of 1.85-acres of net new impervious. Stormwater management BMPs must be designed to include future project impervious.
2. Soil boring logs indicate sandy lean clay as underlying soils throughout the site, with limited seams of clayey sand and sandy silt shown in a few of the borings.
3. These underlying soils are predominantly Hydrologic Soil Group Type C and D (low and very low infiltration capacity).
4. Stormwater will be managed using a filtration basin and a pretreatment pond.
5. The ultimate discharge location of the BMP is to the Northwest wetland.

Rate Controls

1. Rate control **meet** Commission requirements.
2. The applicant provided proposed HydroCAD model output for the 2-year, 10-year, and 100-year events. The rates are summarized in the table below.

Table 1 Rate of Discharge Leaving Site

Direction	Condition	2-year (cfs)	10-year (cfs)	100-year (cfs)
Unknown Biofiltration BMP	Pre-Project	10.36	18.87	38.97
	Proposed	8.53	18.57	32.28
	Change	-1.83	-0.30	-6.69

**Post-development condition includes the future impervious from the OSI parking lot*

Low Floor Elevations

1. There are no low floors hydraulically or hydrologically connected to the project.

Operation and Maintenance

The applicant will need to enter a stormwater maintenance agreement with the City of Medina. The city's template stormwater maintenance agreement satisfies the requirements of the Commission.

Abstraction Controls and Water Quality

1. Abstraction and Water Quality controls **meet** Commission requirements
2. Net, new impervious areas will be 1.85-acres from the site, requiring abstraction of 7,387 cubic feet.
3. Infiltration from 1.1 inches of runoff from impervious areas is not feasible.
4. The applicant proposes to use filtration to meet the Commission's requirement for abstraction. The applicant
5. The applicant modeled water quality analysis or provide calculations.
6. The applicant is proposing a pretreatment cell to meet water quality requirement and reduce TSS through the filter.
7. The average depth of the pretreatment cell is 3.0-feet, which meets the Commission's standards.
8. Drawdown was reviewed. The filtration basin draws down the water quality volume within 48 hours.

Table 2 Water Quality Summary

	Annual Runoff Vol. (ac-ft)	Abstraction Vol. (cubic feet)	TP (lbs/year)	TSS (lbs/year)
Pre-Project	95.7	N/A	5.7	1,775
Proposed (w/o BMP's)	161.1	7,387 (required)	9.6	2,962
Proposed (w/ BMP's)	73.1	8,808	3.5	926
Change	- 22.6	1,421 excess	-2.2	-849

Rule E – Erosion and Sediment Control (plans)

1. Plans **meet** Commission requirements for erosion and sediment control.
2. The erosion and sediment control plans are consistent with current best management practices, including:
 - a. Rock construction entrance
 - b. Silt fence around project extents
 - c. Note Redundant (double) lines of silt fence are required around the perimeter of all wetlands and are required and must be spaced at least 5-feet apart (hyperlink) because there is proposed disturbance within 50-feet of the wetland.
 - d. Catch basin inlet protection.

Rule F – Floodplain Alterations

1. Plans **meet** Commission requirements for floodplain.
2. Most project work is outside of the regulatory floodplain.
3. Project proposes 500 cf of fill and land disturbance within the floodplain between the OHW of Lake Medina and the Lake's 1% (100-year) critical flood elevation of 986.0.
4. The applicant provided floodplain cut-and-fill calculations showing that the project will provide a total of 1,723 cf of floodplain mitigation.

Rule G – Wetland Alterations

1. Wetland alterations **meet** the Commission's requirements.
2. The city of Medina is the Local Government Unit in charge of administering the Wetland Conservation Act (WCA).
3. Wetlands were delineated by WSB on behalf of the city
 - a. Wetland A located in the southeast corner of the project.
 - b. Wetland B located in the northeast corner of the project.
 - c. Wetland C located in the northwest corner of the project.
 - d. Wetland D located in the southwest corner of the project.
 - e. Wet ditch 1 located in the west central portion of the project.
4. Wetlands A and C, and wet ditch 1 are proposed to be disturbed as part of construction. The impacts to Wetland A, C and Wet ditch 1 are incidental from filling and grading practices.
5. Wetland A will be impacted by 252-square feet of fill.
6. Wetland C will be impacted by 0.05-acres of fill.
7. Wet ditch 1 will be impacted by 0.02-acres of fill. The Scope of WCA does not regulate impacts to incidental wetlands including wetlands formed in ditches.

8. A wetlands alterations plan is not needed.

Recommendation

Conditional Approval

Conditions for Approval

1. Approval is contingent upon receiving additional fee of \$1,350 for review of the Flood Alteration portion of the Project.
2. Approval is also contingent upon final application escrow fee balance. Additional payment or refund of the fees will be determined when all conditions for approval are met.
3. When plans for the OSI, Inc. parking expansion are developed, an ECWMC application for erosion control (Rule E) will be necessary, assuming the stormwater management is consistent with this approval. An erosion control and grading plan for the OSI, Inc. site should include no more than 1.56 acres of impervious surface and all impervious surfaces shall be directed to the proposed stormwater BMP.

On Behalf of Stantec Consulting Services, Inc.
Advisor to the Commission



Date 5/2/2022

Attachments

- | | |
|----------|------------------------------|
| Figure 1 | Project Location |
| Figure 2 | Existing Drainage Map |
| Figure 3 | Proposed Drainage Plan |
| Figure 4 | Wetlands in Project Vacinity |

Figure 1 Project Location



Figure 2 Existing Drainage Map



Figure 3 Proposed Drainage Plan



Figure 4 Wetlands in Project Vicinity

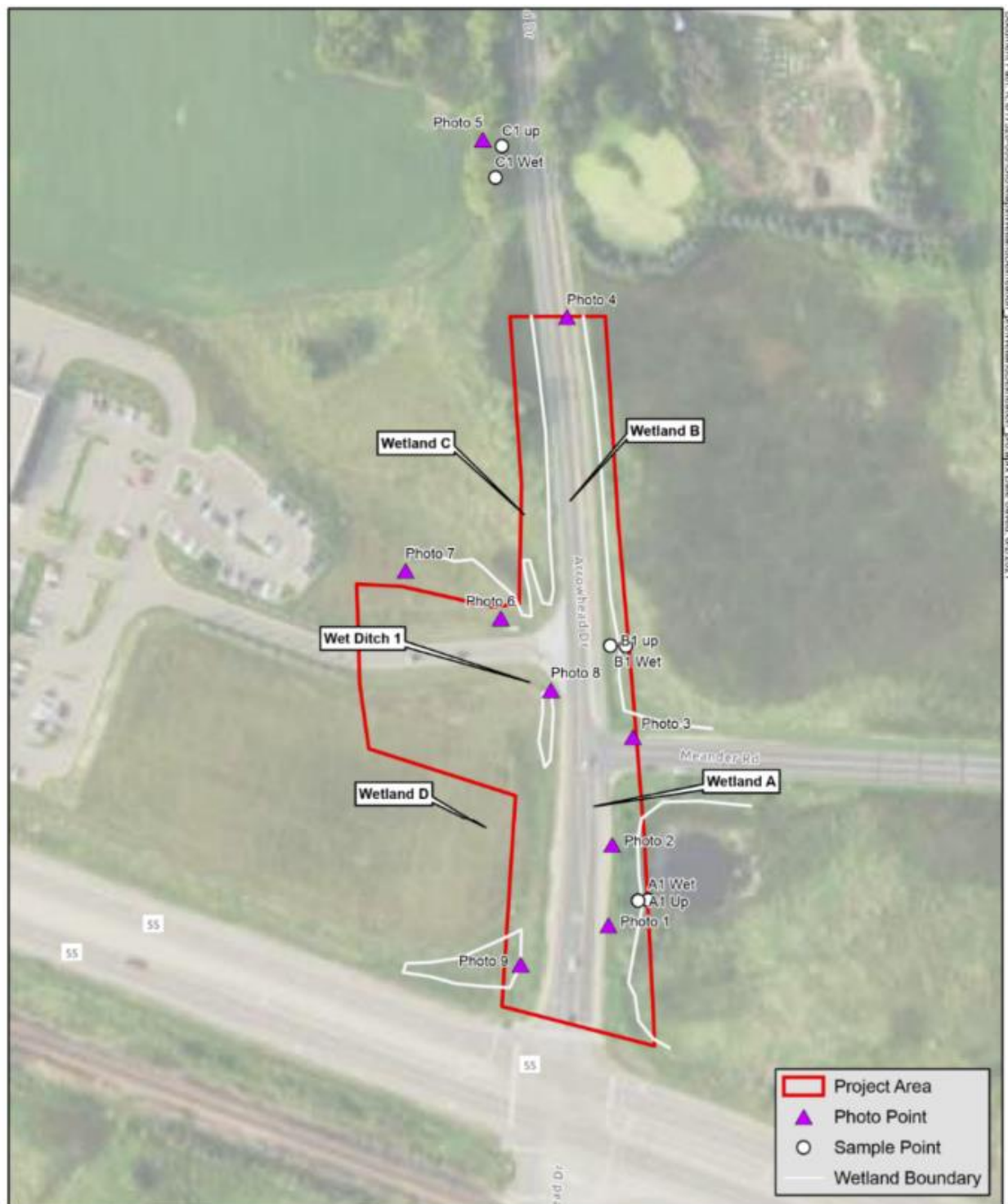
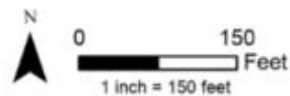


Figure 6: Wetland Delineation

Arrowhead Drive Turn Lane
WSB No. 017326-000



elm creek Watershed Management Commission

ADMINISTRATIVE OFFICE
3235 Fernbrook Lane
Plymouth, MN 55447
PH: 763.553.1144
FAX: 763.553.9326
Email: judie@jass.biz

DATE: MAY 3, 2022
TO ELM CREEK WATERSHED MANAGEMENT COMMISSION
FROM: JIM KUJAWA
RE: GRACO BUILD 2 SITE PLAN (2022-012) IMPACTS TO FRENCH LAKE INDUSTRIAL CENTER (2015-011)

Background

In June of 2015 the Elm Creek Watershed Management Commission approved project 2015-011, French Lake Industrial Center. (See figure 1) As part of the Commission's approval for this project, a conservation easement for 723,390 square feet (16.61 acres) was dedicated to City of Dayton for conservation and preservation areas. These areas were part of the volume abstraction credits granted to the developer by the ECWMC for final approval. The easement recorded specific covenants, conditions, and restrictions to develop, or impact said areas. It prevented the landowner or its successors from construction or disturbance within the easement unless it is amended by the parties involved.

The Commission instigated and required this preservation area as a condition for approval as part of the stormwater management requirements for Project 2015-011. Said easement, with its preservation and conservation provisions was recorded on this property. The restrictions specifically state construction, grading and any activity that is detrimental to the preservation of the scenic beauty of the conservation areas, its vegetation and wildlife are prohibited in perpetuity. (see figure 5)

Graco Inc. has since purchased this property and submitted a new application called Graco 2 Building (ECWMC project 2022-012) to the Elm Creek Watershed for their review and decision. This new project will impact portions of the recorded conservation easement.

Information

The original stormwater management plan approved by the ECWMC on the French Lake Industrial Center was for 188 acres. Since 2015, approximately 41 acres have been developed.

The Graco Building 2 Project (2022-012) will reconfigure the original French Lake Center (2015-011) lot and block layout, requiring the ECWMC review and approval of the new site plans. The site plans submitted for the Graco project include replating the remaining areas and constructing a 515,400 square foot distribution center and mass grading the remaining portion of the property to accommodate two future buildings, regional ponding, and the construction of French Lake Road West. In total, 74 acres will be graded as part of the Graco proposal.

The new project proposes to directly impact by grading and filling 0.52 acres of the recorded conservation easement area. Note that 0.52 acres of impacts has been quantified by the direct grading activity footprint only. Other direct and indirect impacts can be expected from collateral damage to adjacent soils, overstory and understory vegetation stresses and damage, aesthetics and wildlife displacement and habitat values. Many of the indirect impacts maybe longer term and most are intangible.

Action

Because of the Commission, through its stormwater rules, initiated and required the original easement and said easement was intended to be in perpetuity, Elm Creek Watershed staff, The City of Dayton and Graco are looking to the Commission for their ideas, guidelines, and recommendations for moving forward on this issue.

Possible solutions could be.

- 1) Oppose any encroachment into the preservation areas
- 2) Approve 0.52 acres of the direct grading encroachment into the preservation areas as currently proposed by the site plans. (See figure 3)
 - a. Mitigate for 945 cu ft of abstraction by available credits from Rule D Section 3
- 3) Abandon the surrounding easement areas that will directly or indirectly impacted by construction along the new French Lake Road alignment. This would be 1.69 acres of encroachment into the preservation areas per figure 4.
 - a. Mitigate for 3,067 cu ft of abstraction by available credits from Rule D Section 3

Figure 1 Project Location

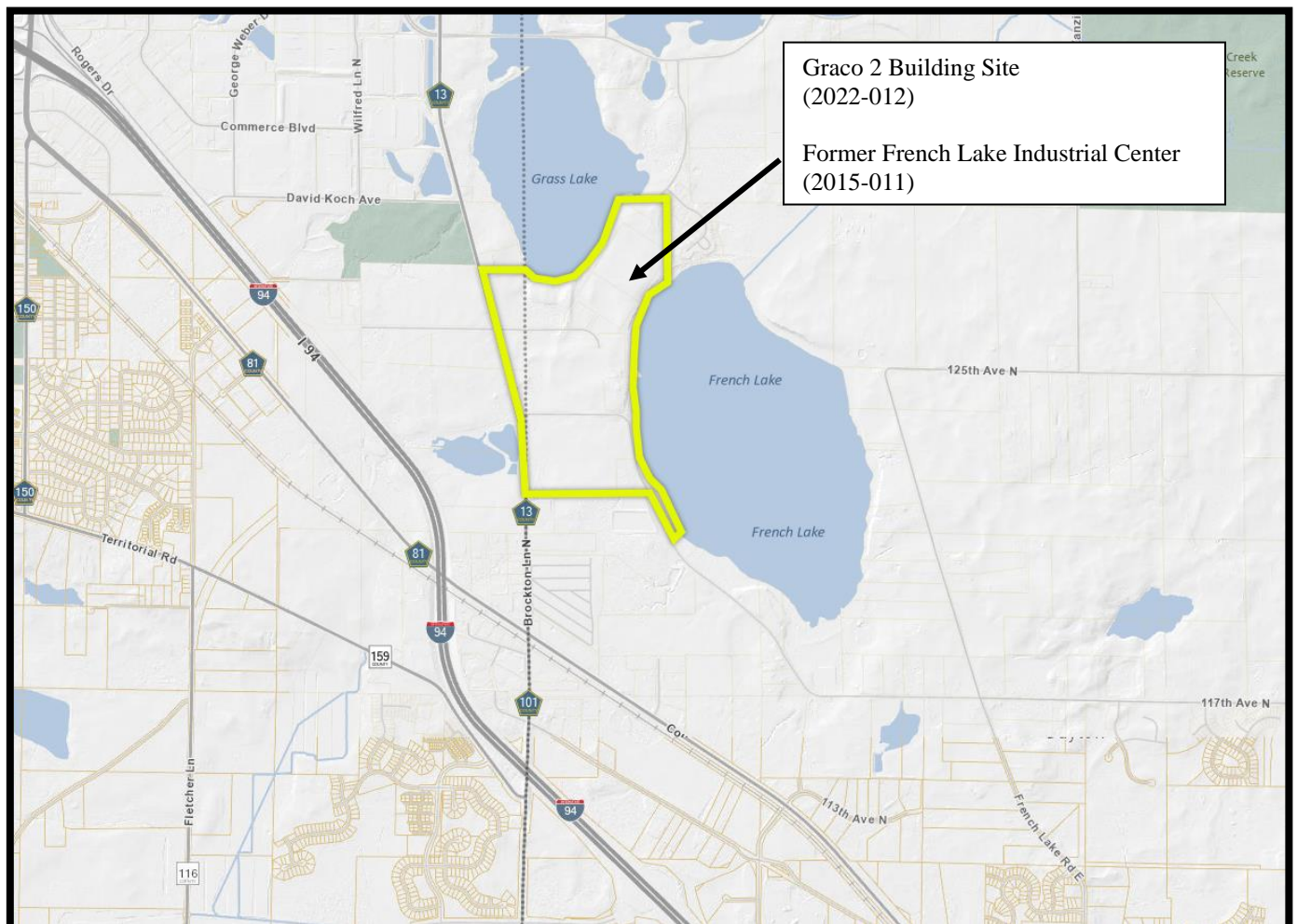


Figure 2 French Lake Industrial Center Site Layout with Conservation Easements

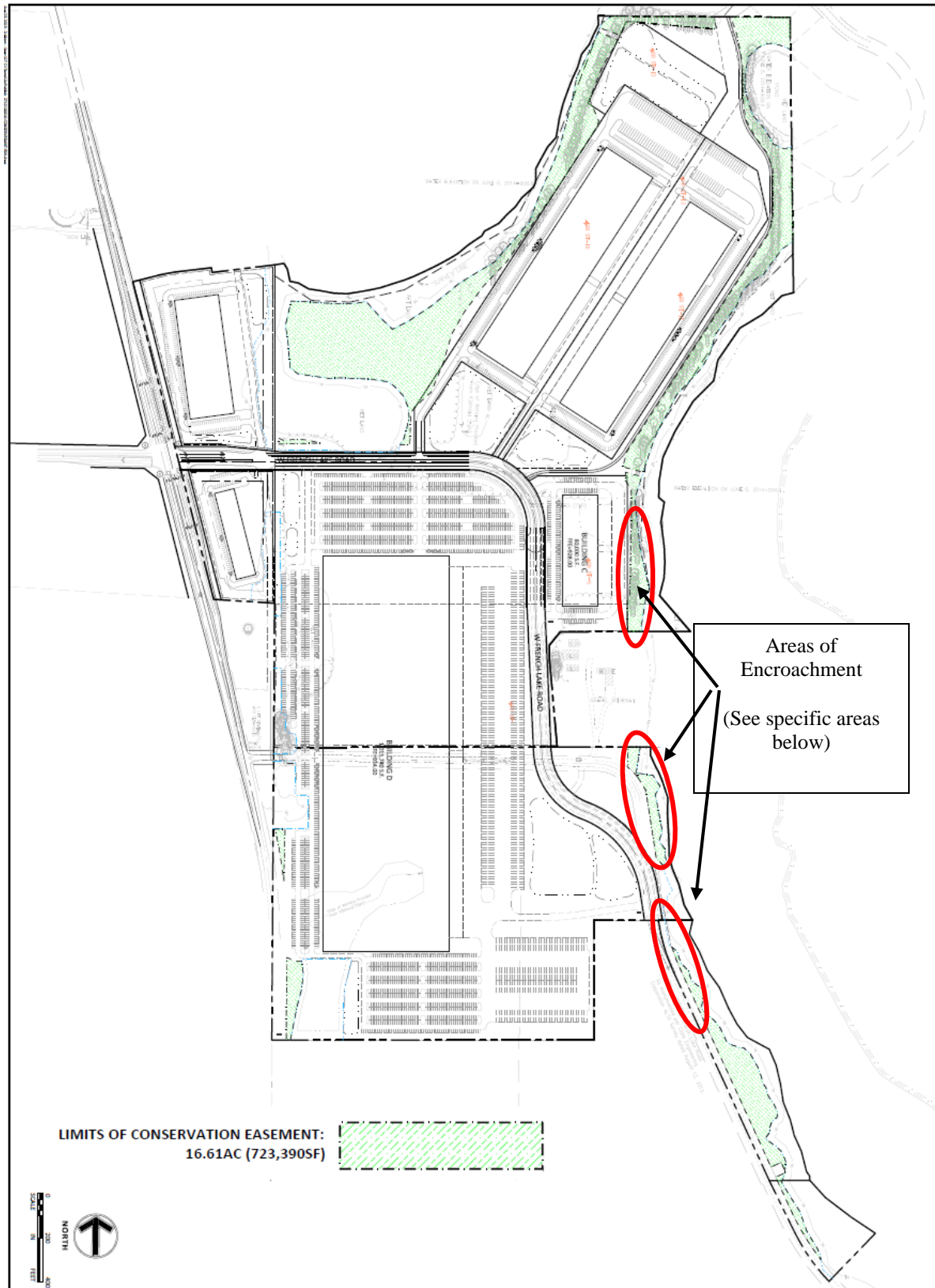
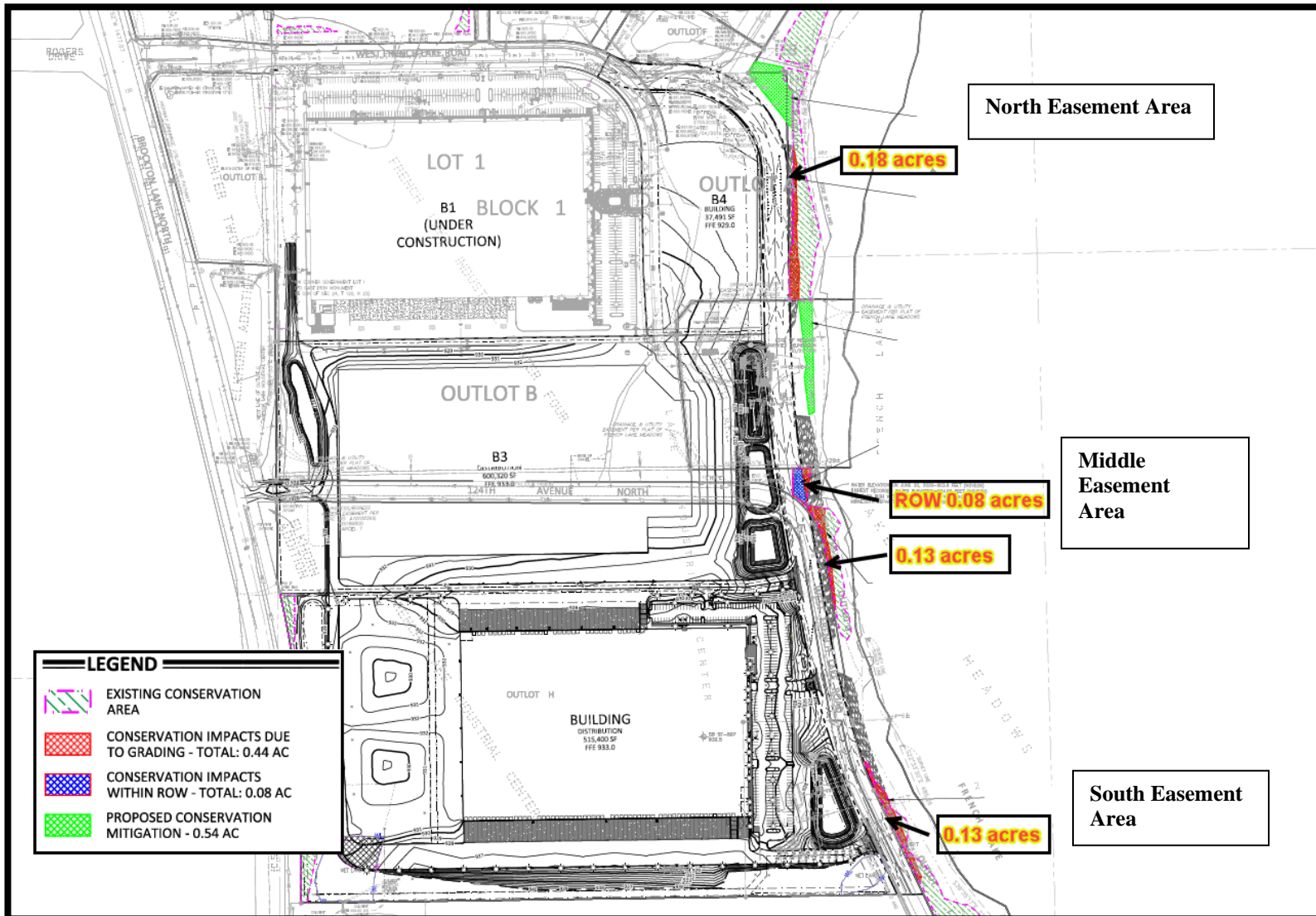


Figure 3 Graco Building 2 Site Layout and Easement Grading Encroachments



North Easement
38,433 sq. ft.

OUTLOT A
B4
BUILDING
37,491 SF
FFE 929.0

DRainage & Easement PER LAK OF FRENCH LAKE WOODS

EDGE OF WET LAND

98±

926 925 924 923 922 921 920 919 918 917 916 915 914 913 912 911 910 909 908 907 906 905 904 903 902 901 900 899 898 897 896 895 894 893 892 891 890 889 888 887 886 885 884 883 882 881 880 879 878 877 876 875 874 873 872 871 870 869 868 867 866 865 864 863 862 861 860 859 858 857 856 855 854 853 852 851 850 849 848 847 846 845 844 843 842 841 840 839 838 837 836 835 834 833 832 831 830 829 828 827 826 825 824 823 822 821 820 819 818 817 816 815 814 813 812 811 810 809 808 807 806 805 804 803 802 801 800 799 798 797 796 795 794 793 792 791 790 789 788 787 786 785 784 783 782 781 780 779 778 777 776 775 774 773 772 771 770 769 768 767 766 765 764 763 762 761 760 759 758 757 756 755 754 753 752 751 750 749 748 747 746 745 744 743 742 741 740 739 738 737 736 735 734 733 732 731 730 729 728 727 726 725 724 723 722 721 720 719 718 717 716 715 714 713 712 711 710 709 708 707 706 705 704 703 702 701 700 699 698 697 696 695 694 693 692 691 690 689 688 687 686 685 684 683 682 681 680 679 678 677 676 675 674 673 672 671 670 669 668 667 666 665 664 663 662 661 660 659 658 657 656 655 654 653 652 651 650 649 648 647 646 645 644 643 642 641 640 639 638 637 636 635 634 633 632 631 630 629 628 627 626 625 624 623 622 621 620 619 618 617 616 615 614 613 612 611 610 609 608 607 606 605 604 603 602 601 600 599 598 597 596 595 594 593 592 591 590 589 588 587 586 585 584 583 582 581 580 579 578 577 576 575 574 573 572 571 570 569 568 567 566 565 564 563 562 561 560 559 558 557 556 555 554 553 552 551 550 549 548 547 546 545 544 543 542 541 540 539 538 537 536 535 534 533 532 531 530 529 528 527 526 525 524 523 522 521 520 519 518 517 516 515 514 513 512 511 510 509 508 507 506 505 504 503 502 501 500 499 498 497 496 495 494 493 492 491 490 489 488 487 486 485 484 483 482 481 480 479 478 477 476 475 474 473 472 471 470 469 468 467 466 465 464 463 462 461 460 459 458 457 456 455 454 453 452 451 450 449 448 447 446 445 444 443 442 441 440 439 438 437 436 435 434 433 432 431 430 429 428 427 426 425 424 423 422 421 420 419 418 417 416 415 414 413 412 411 410 409 408 407 406 405 404 403 402 401 400 399 398 397 396 395 394 393 392 391 390 389 388 387 386 385 384 383 382 381 380 379 378 377 376 375 374 373 372 371 370 369 368 367 366 365 364 363 362 361 360 359 358 357 356 355 354 353 352 351 350 349 348 347 346 345 344 343 342 341 340 339 338 337 336 335 334 333 332 331 330 329 328 327 326 325 324 323 322 321 320 319 318 317 316 315 314 313 312 311 310 309 308 307 306 305 304 303 302 301 300 299 298 297 296 295 294 293 292 291 290 289 288 287 286 285 284 283 282 281 280 279 278 277 276 275 274 273 272 271 270 269 268 267 266 265 264 263 262 261 260 259 258 257 256 255 254 253 252 251 250 249 248 247 246 245 244 243 242 241 240 239 238 237 236 235 234 233 232 231 230 229 228 227 226 225 224 223 222 221 220 219 218 217 216 215 214 213 212 211 210 209 208 207 206 205 204 203 202 201 200 199 198 197 196 195 194 193 192 191 190 189 188 187 186 185 184 183 182 181 180 179 178 177 176 175 174 173 172 171 170 169 168 167 166 165 164 163 162 161 160 159 158 157 156 155 154 153 152 151 150 149 148 147 146 145 144 143 142 141 140 139 138 137 136 135 134 133 132 131 130 129 128 127 126 125 124 123 122 121 120 119 118 117 116 115 114 113 112 111 110 109 108 107 106 105 104 103 102 101 100 99 98 97 96 95 94 93 92 91 90 89 88 87 86 85 84 83 82 81 80 79 78 77 76 75 74 73 72 71 70 69 68 67 66 65 64 63 62 61 60 59 58 57 56 55 54 53 52 51 50 49 48 47 46 45 44 43 42 41 40 39 38 37 36 35 34 33 32 31 30 29 28 27 26 25 24 23 22 21 20 19 18 17 16 15 14 13 12 11 10 9 8 7 6 5 4 3 2 1 0

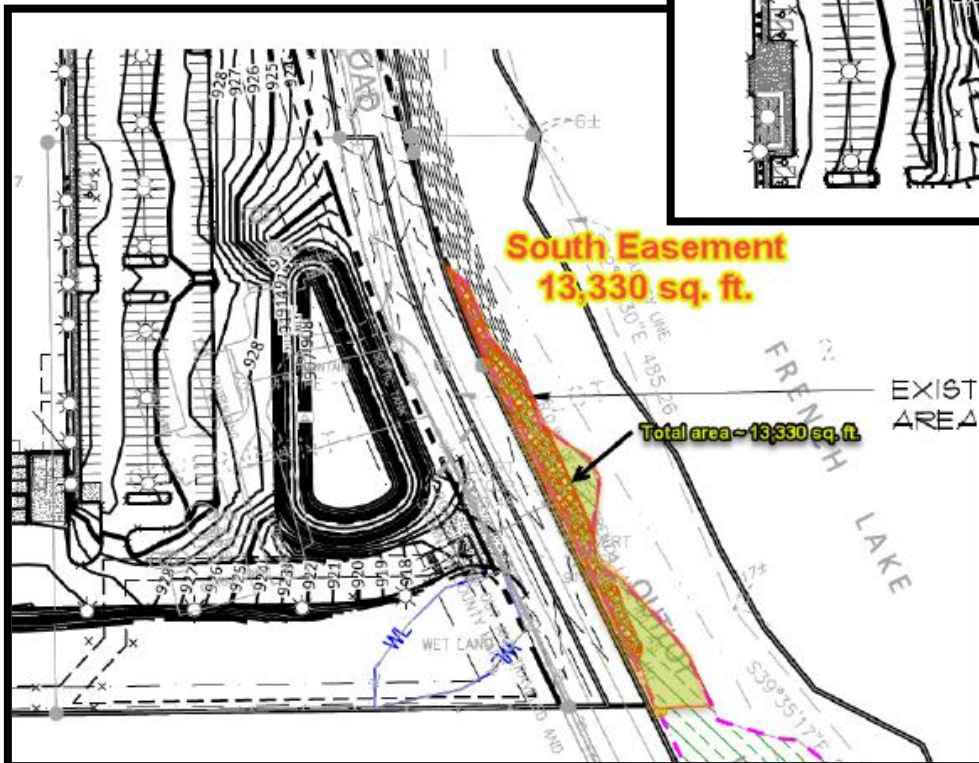
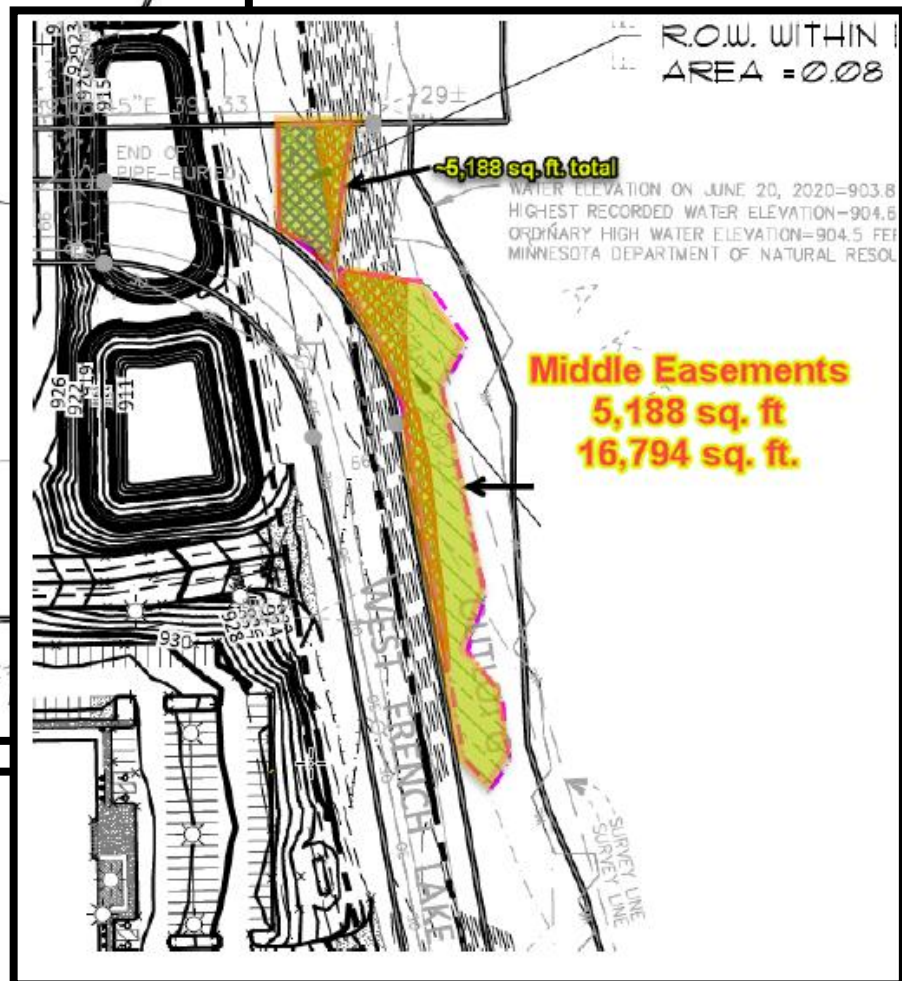




Figure 5 Recorded Easement Document

 Doc No A10261800 Certified, filed and/or recorded on Nov 30, 2015 2:41 PM Office of the County Recorder Hennepin County, Minnesota Martin McCormick, County Recorder Mark Chapin, County Auditor and Treasurer Deputy 84 Pkg ID 1324196C Attested Copy or Duplicate Original \$2.00 Document Recording Fee \$48.00 <hr/> Document Total \$48.00	 Doc No T05308768 Certified, filed and/or recorded on Nov 30, 2015 2:41 PM Office of the Registrar of Titles Hennepin County, Minnesota Martin McCormick, Registrar of Titles Mark Chapin, County Auditor and Treasurer Deputy 84 Pkg ID 1324190C Attested Copy or Duplicate Original \$2.00 Certified Copy of any document \$10.00 Document Recording Fee \$48.00 <hr/> Document Total \$58.00
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[Space Above this Line for Recording Office Use Only]

**DECLARATION OF COVENANTS, CONDITIONS,
AND RESTRICTIONS**

THIS DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS (this "Declaration") is made as of this 13th day of November, 2015, by **LIBERTY PROPERTY LIMITED PARTNERSHIP**, a Pennsylvania limited partnership ("Declarant").

WITNESSETH:

WHEREAS, Declarant is the owner of certain real property located in the City of Dayton, Hennepin County, Minnesota and legally described in the attached Exhibit A (the "Property").

WHEREAS, the Elm Creek Watershed Management Commission requires that portions of the Property be protected from future development and that such provisions are to be set forth in a document recorded in the real estate records.

NOW, THEREFORE, Declarant hereby declares that those portions of the Property described on the attached Exhibit B, and illustrated on the attached Exhibit C and Exhibit D (the "Conservation Areas") shall be transferred, held, sold, conveyed, occupied and developed subject to the following covenants, conditions, and restrictions which are hereby granted by Declarant and shall run with the land and be binding on all parties having any right, title or interest in the Property or any part thereof, their successors and assigns, and shall inure to the benefit of all owners thereof.

1. Restrictions. That the following are prohibited in perpetuity within the Conservation Areas:
 - A. Constructing, installing, or maintaining anything made by man, including but not limited to buildings, structures, walkways, fences, retaining walls, fireplaces, clothes line poles, playground equipment, roads, hardcover of any kind, underground utility lines and distribution equipment, light poles, traffic signals, traffic regulatory signs, mailboxes; except docks or boardwalks when allowed by City of Dayton ("City") ordinance and under a valid City permit and utilities

- B. Cutting, mowing or removing shrubs or other vegetation, and cutting, destroying or removing trees, except for tree disease control by or as directed by a governmental agency with jurisdiction over the Conservation Areas. Grantor may remove diseased or dead trees of any size, buckthorn and noxious weeds.
- C. Excavation or filling or material alteration of grade, including changes to the size, depth or contour of any wetlands; dredging, mining or removal of earth, loam, peat, gravel, soil or any other natural material.
- D. The deposit of waste, yard waste, or debris.
- E. Application of fertilizers, whether natural or chemical.
- F. Application of chemicals for the destruction or retardation of vegetation.
- G. The application of herbicides, pesticides, and insecticides, except for noxious weed control by or as directed by a governmental agency.
- H. Outside storage of any kind.
- I. Activity detrimental to the preservation of the scenic beauty of the Conservation Areas, its vegetation, and wildlife.

2. Severability. Invalidation of any one of these covenants or restrictions by judgment or court order shall in no way affect any other provisions, all of which shall remain in full force and effect.

3. Duration. The covenants and restrictions of this Declaration shall run with and bind the land, and shall inure to the benefit of and be enforceable by Declarant or any owner of any portion of the Property subject to this Declaration, their respective legal representatives, heirs, successors and assigns, for a term of thirty (30) years after the date this Declaration is recorded, after which time the covenants and restrictions shall be automatically renewed for successive periods of ten (10) years each unless this Declaration is terminated in writing by all of the owners of any portion of the Property and such termination is recorded.

4. Amendment. This Declaration may be amended by an instrument signed by all owners of any portion of the Property and all first mortgagees of any portion of the Property. Each amendment must be recorded to be effective.

5. Interpretation. The interpretation and performance of this Declaration shall be governed by the applicable laws of the State of Minnesota.

IN WITNESS WHEREOF, the undersigned, being the Declarant herein, have hereunto caused these presents to be executed as of the day and year first above written.

**LIBERTY PROPERTY LIMITED
PARTNERSHIP**, a Pennsylvania limited
partnership

By: Liberty Property Trust, a Maryland Real
Estate Investment Trust

Its: Sole General Partner

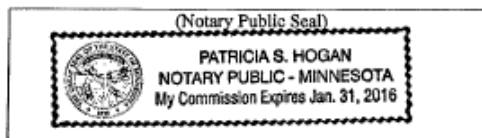
By: *David M. Juh*

Its: VP and City Manager

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNPIN)

The foregoing instrument was acknowledged before me this 13 day of November, 2015, by PATRICIA S. HOGAN, the Office Administrator of Liberty Property Trust, the sole general partner of Liberty Property Limited Partnership, a Pennsylvania limited partnership, on behalf of said limited partnership.

Patricia S. Hogan
Notary Public



This instrument was drafted by:
Fredrikson & Byron, P.A. (SDS)
200 South Sixth Street, Suite 4000
Minneapolis, Minnesota 55402

56846962_4.doc

EXHIBIT A

Government Lots 6, 7, and 8, Section 19, Township 120, Range 22, Hennepin County, Minnesota.
Torrens Property

Outlot A, FRENCH LAKE MEADOWS, according to the recorded plat thereof, Hennepin County, Minnesota.

That part of Government Lot 1, Section 30, Township 120 North, Range 22 West lying southerly of the following described line: Commencing at the northwest corner of said Government Lot 1; thence on an assumed bearing of South 00 degrees 27 minutes 33 seconds East, along the west line of said Government Lot 1, a distance of 650.15 feet to the point of beginning of the line to be described; thence North 89 degrees 06 minutes 45 seconds East a distance of 1738.66 feet to the shore line of French Lake and there terminating; and that part of the Southwest Quarter of the Northwest Quarter which lie North and West of the following described line: Commencing at the Southwest corner of said Southwest Quarter of the Northwest Quarter; thence on a bearing of North (assumed bearing) along the West line of said Southwest Quarter of the Northwest Quarter; a distance of 631.73 feet to the actual point of beginning of the line to be described; thence North 89 degrees 39 minutes East, a distance of 1452.58 feet; thence North 00 degrees 21 minutes West, a distance of 540.00 feet; thence North 89 degrees 39 minutes East to the shoreline of French Lake and there terminating. All in Section 30, Township 120, Range 22, according to the United States Government survey thereof and situate in Hennepin County, Minnesota.

excepting therefrom the following parcel of land:

That part of Government Lot 2, Section 30, Township 120, Range 22, Hennepin County, Minnesota, described as follows: Commencing at the Southwest corner of the Northwest Quarter of said Section 30; thence North assumed bearing, along the West line of said Northwest Quarter 631.73 feet; thence North 89 degrees 39 minutes 00 seconds East 1551.58 feet to the point of beginning, at the centerline of a gravel road; thence South 89 degrees 39 minutes 00 seconds West 512.00 feet; thence North 00 degrees 21 minutes 00 seconds West 540.00 feet; thence North 89 degrees 39 minutes 00 seconds East 303.64 feet to the center line of said road; thence South 09 degrees 22 minutes 32 seconds East along the Center line of said road, 61.46 feet; thence Southeast, along center line of said road on a tangential curve, concave to East, radius 682.92 feet, central angle 16 degrees 39 minutes 40 seconds, 198.59 feet; thence South 26 degrees 02 minutes 12 seconds East along the center line of said road 322.27 feet to the point of beginning.

That part of Government Lot 2, Section 30, Township 120, Range 22, Hennepin County, Minnesota, lying Northeastly of the center line of West French Lake Road, and which lies Southerly of line "A". Line "A" is described as follows: Commencing at the Northwest corner of the Southwest Quarter of said Section 30; thence on an assumed bearing of North, along the West line of said Section 30, a distance of 631.73 feet; thence North 89 degrees 39 minutes 00 seconds East a distance of 1452.58 feet; thence North 00 degrees 21 minutes 00 seconds West a distance of 540.00 feet; thence North 89 degrees 39 minutes 00 seconds East a distance of 288.00 feet plus or minus to the center line of West French Lake Road and the actual point of beginning of the line to be described. Thence continuing North 89 degrees 39 minutes 00 seconds East to the shoreline of French Lake and there terminating, according to the United States Government Survey thereof and situate in Hennepin County, Minnesota.

That part of the Northeast Quarter of the Southwest Quarter and of Government Lot 3, Section 30, Township 120, Range 22, Hennepin County, Minnesota, which lies Northeastly of the center line of West French Lake Road and which lies Northwestly of the following described line and its southerly extension: Commencing at the Northwest corner of the Southwest Quarter of said Section 30; thence South 89 degrees 39 minutes 00 seconds East, assumed bearing, along the North line of said Southwest Quarter 2245.38 feet; thence South 27 degrees 56 minutes 06 seconds East 459.70 feet; thence South 45 degrees 58 minutes 26 seconds East 70.97 feet to the beginning of the line to be described; thence North 44 degrees 45 minutes 24 seconds East to the North line of said Government Lot 3 and there terminating, according to the United States Government Survey thereof and situate in Hennepin County, Minnesota.



LIBERTY PROPERTY TRUST
FRENCH LAKE INDUSTRIAL CENTER
DAYTON, MN
CONSERVATION AREA

Designed: _____
Drawn: JML
Approved: RME
Issued: 11/09/2013
Rev.: _____
Date: _____
Exhibit Number
A
Project No. LIB20016

EXHIBIT B

Those portions of the property described on **EXHIBIT A** described as follows:

That part of Government Lot 1, Section 30, Township 120 North, Range 22 West, Hennepin County, Minnesota described as follows: Commencing at the northwest corner of said Government Lot 1; thence on an assumed bearing of South 00 degrees 27 minutes 33 seconds East, along the west line of said Government Lot 1, a distance of 650.15 feet; thence North 89 degrees 06 minutes 45 seconds East a distance of 1738.66 feet to the southwest corner of Lot 1, Block 1, FRENCH LAKE MEADOWS, according to the recorded plat thereof, Hennepin County, Minnesota; thence continuing on a bearing of North 89 degrees 06 minutes 45 seconds East, along the south line of said Lot 1, a distance of 317.01 feet to the point of beginning of the area to be described; thence South 00 degrees 55 minutes 17 seconds East, a distance of 90.23 feet; thence southeasterly and southerly 178.07 feet along a non-tangential curve concave to the southwest having a radius of 233.00 feet and a central angle of 43 degrees 47 minutes 14 seconds, the chord of said curve bears South 31 degrees 33 minutes 55 seconds East; thence South 9 degrees 40 minutes 18 seconds East, tangent to said curve, a distance of 301.03 feet; thence North 80 degrees 39 minutes 42 seconds East, a distance of 24.07 feet; thence North 34 degrees 13 minutes 45 seconds East a distance of 26.44 feet; thence North 12 degrees 05 minutes 40 seconds West a distance of 18.12 feet; thence North 04 degrees 24 minutes 34 seconds West a distance of 34.46 feet; thence North 37 degrees 16 minutes 58 seconds West a distance of 45.04 feet; thence North 18 degrees 00 minutes 13 seconds East a distance of 45.56 feet; thence North 11 degrees 31 minutes 01 seconds West a distance of 169.56 feet; thence North 28 degrees 46 minutes 52 seconds East a distance of 43.17 feet; thence North 34 degrees 16 minutes 19 seconds West a distance of 58.27 feet; thence North 82 degrees 40 minutes 01 second West a distance of 76.29 feet; thence North 07 degrees 58 minutes 16 seconds East a distance of 118.04 feet to the south line of said Lot 1; thence South 89 degrees 06 minutes 45 seconds West, along said south line, a distance of 56.77 to the point of beginning.

And

That part of Government Lot 1, Section 30, Township 120 North, Range 22 West, Hennepin County, Minnesota described as follows: Commencing at the northwest corner of said Government Lot 1; thence on an assumed bearing of South 00 degrees 27 minutes 33 seconds East, along the west line of said Government Lot 1, a distance of 980.26 feet; thence South 13 degrees 41 minutes 11 seconds East a distance of 26.54 feet; thence southerly 12.30 feet along a tangential curve concave to the west having a radius of 2221.20 feet and a central angle of 0 degrees 19 minutes 03 seconds to the point of beginning; thence continuing 238.63 feet along said curve having a radius of 2221.20 feet and a central angle of 6 degrees 09 minutes 19 seconds; thence North 00 degrees 27 minutes 45 seconds East not tangent to said curve, a distance of 235.33 feet; thence South 89 degrees 09 minutes 44 seconds West a distance of 44.52 feet to the point of beginning.

And

That part of Southwest Quarter of the Northwest Quarter of Section 30, Township 120 North, Range 22 West, Hennepin County, Minnesota described as follows: Commencing at the southwest corner of said Southwest Quarter of the Northwest Quarter; thence on an assumed bearing of North 00 degrees 27 minutes 33 seconds West, along the west line of said Southwest Quarter of the Northwest Quarter, a distance of 631.73 feet; thence North 89 degrees 11 minutes 27 seconds East a distance of 65.00 feet to the East line of the West 65.00 feet of said Southwest Quarter of the Northwest Quarter and the point of beginning; thence continue North 89 degrees 11 minutes 27 seconds East a distance of 19.46 feet; thence North 11 degrees 29 minutes 09 seconds East a distance of 233.71 feet; thence North 5 degrees 38 minutes 02 seconds East a distance of 71.94 feet; thence North 8 degrees 54 minutes 34 seconds West a distance of 55.03 feet; thence North 76 degrees 19 minutes 45 seconds West a distance of 69.48 feet to the East line of the West 65.00 feet of said Southwest Quarter of the Northwest Quarter; thence South 0 degrees 27 minutes 33 seconds East along said East line of the West 65.00 feet a distance of 371.70 feet to the point of beginning.

And as illustrated on the attached **EXHIBITS C-1, C-2 and C-3**.



LIBERTY PROPERTY TRUST
FRENCH LAKE INDUSTRIAL CENTER
DAYTON, MN
CONSERVATION AREA

Designed: _____
Drawn: JML
Approved: RME
Issued: 11/09/2013
Rev.: _____
Date: _____
Exhibit Number
B-1
Project No. LIB20016

EXHIBIT B

Those portions of the property described on **EXHIBIT A** described as follows:

That part of Government Lots 6, 7 and 8, Section 19, Township 120 North, Range 22 West and Outlot A, FRENCH LAKE MEADOWS, all in Hennepin County, Minnesota, described as follows: Commencing at the southwest corner of said Government Lot 7; thence on an assumed bearing of North 00 degrees 50 minutes 14 seconds West, continuing along said west line, a distance of 842 feet more or less to the shoreline of Grass Lake and the point of beginning; thence returning to said point 'A'; thence South 85 degrees 07 minutes 37 seconds East a distance of 18.21 feet; thence North 89 degrees 09 minutes 44 seconds East a distance of 610.73 feet; thence North 00 degrees 50 minutes 16 seconds West a distance of 195.25 feet; thence North 32 degrees 09 minutes 31 seconds East a distance of 1581.42 feet; thence North 57 degrees 50 minutes 29 seconds West a distance of 62.83 feet; thence North 24 degrees 24 minutes 18 seconds East a distance of 405.64 feet; thence North 89 degrees 33 minutes 11 seconds East a distance of 67.51 feet; thence South 57 degrees 50 minutes 29 seconds East a distance of 448.18 feet; thence South 10 degrees 54 minutes 15 seconds East a distance of 70.56 feet; thence South 32 degrees 09 minutes 31 seconds West a distance of 226.53 feet; thence South 57 degrees 50 minutes 29 seconds East a distance of 308.44 feet; thence South 12 degrees 50 minutes 29 seconds East a distance of 222.35 feet; thence South 32 degrees 09 minutes 31 seconds West a distance of 1378.53 feet; thence North 89 degrees 04 minutes 43 seconds East a distance of 117.30 feet; thence South 00 degrees 55 minutes 17 seconds East a distance of 703.62 feet to the north line of Lot 1, Block 1, FRENCH LAKE MEADOWS, according to the recorded plat thereof, Hennepin County, Minnesota; thence North 89 degrees 04 minutes 43 seconds East, along said north line, a distance of 284 feet, more or less, to the shoreline of French Lake; thence northwesterly, northerly and northeasterly, along said shoreline, to the east line of said Government Lot 6 according to the recorded plat of DIAMOND LAKE WOODS, Hennepin County, Minnesota; thence North 01 degree 32 minutes 48 seconds West, along said east line, a distance of 1241 feet, more or less, to the northeast corner of said Government Lot 6 according to said plat of DIAMOND LAKE MEADOWS; thence South 39 degrees 03 minutes 21 seconds West a distance of 115.79 feet; thence North 62 degrees 53 minutes 26 seconds West a distance of 193.13 feet to the north line of said Government Lot 6 according to said plat of DIAMOND LAKE MEADOWS; thence South 89 degrees 33 minutes 11 seconds West, along said north line, a distance of 621 feet, more or less, to the shoreline of Grass Lake; thence southwesterly, westerly and northwesterly, along said shoreline, to the point of beginning.

And

That part of the Northeast Quarter of the Southwest Quarter and of Government Lots 2 and 3, Section 30, Township 120 North, Range 22 West, Hennepin County, Minnesota, described as follows: Commencing at the southwest corner of the Southwest Quarter of the Northwest Quarter, said Section 30; thence on an assumed bearing of North 00 degrees 27 minutes 33 seconds West, along the west line of said Northwest quarter, a distance of 631.73 feet; thence North 89 degrees 11 minutes 27 seconds East a distance of 1439.58 feet; thence North 00 degrees 48 minutes 33 seconds West a distance of 540.00 feet; thence North 89 degrees 11 minutes 27 seconds East a distance of 337.09 feet to a point 'B'; thence continuing North 89 degrees 11 minutes 27 seconds East a distance of 119 feet, more or less, to the shoreline of French Lake and the point of beginning; thence returning to said point 'B'; thence South 09 degrees 40 minutes 18 seconds East a distance of 14.93 feet; thence southeasterly 111.67 feet along a tangential curve concave to the northeast having a radius of 767.00 feet and a central angle of 15 degrees 48 minutes 42 seconds; thence South 25 degrees 29 minutes 00 seconds East, tangent to said curve, a distance of 1194.07 feet; thence southeasterly, along a tangential curve concave to the northeast having a radius of 1217.00 feet and a central angle of 16 degrees 58 minutes 36 seconds, a distance of 360.60 feet to the intersection with a line 'C' described below; thence North 43 degrees 11 minutes 13 seconds East, along said line 'C', a distance of 301 feet, more or less, to the shoreline of French Lake; thence northwesterly along said shoreline to the point of beginning.

Line 'C' is described as follows: Commencing at the northwest corner of the Southwest Quarter of said Section 30; thence on an assumed bearing of South 89 degrees 12 minutes 34 seconds, along the north line of said Southwest Quarter of Section 30, a distance of 2245.38 feet; thence South 29 degrees 30 minutes 17 seconds East a distance of 459.70 feet; thence South 48 degrees 32 minutes 37 seconds East a distance of 70.94 feet to the point of beginning of the line to be described; thence North 43 degrees 11 minutes 13 seconds East to the North line of said Government Lot 3 and said line there terminating.

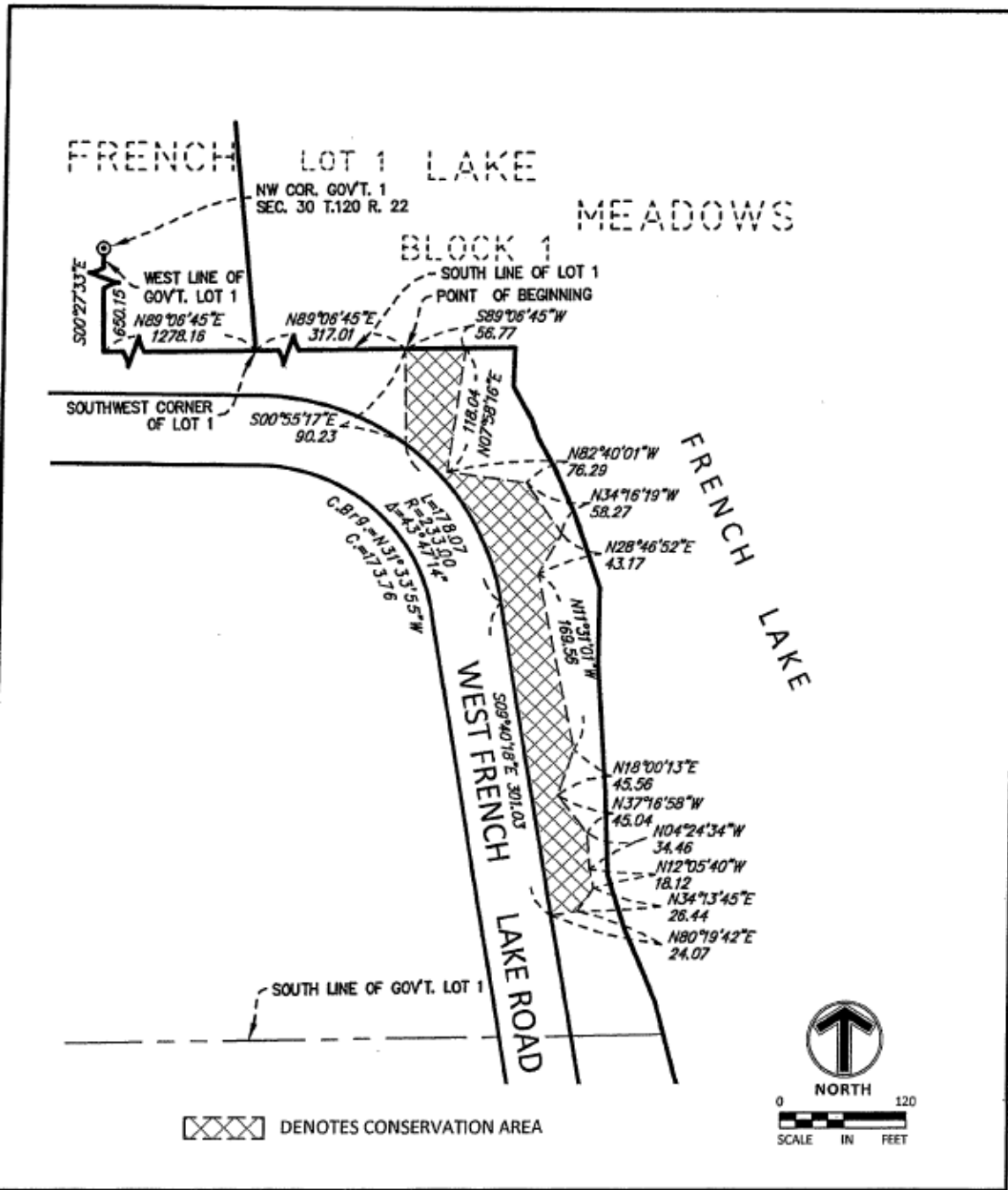
And as illustrated on the attached **EXHIBIT D**.



LIBERTY PROPERTY TRUST
FRENCH LAKE INDUSTRIAL CENTER
DAYTON, MN
CONSERVATION AREA

Designed: _____
Drawn: JML
Approved: RME
Issued: 11/09/2013
Rev.: _____
Date: _____
Exhibit Number
B-2
Project No. LIB20016

Nov 11, 2015 - 12:27pm - User: 578 L:\PROJECTS\LIB20016\Drawings\LIB20016-CONSERVATION-2015.dwg



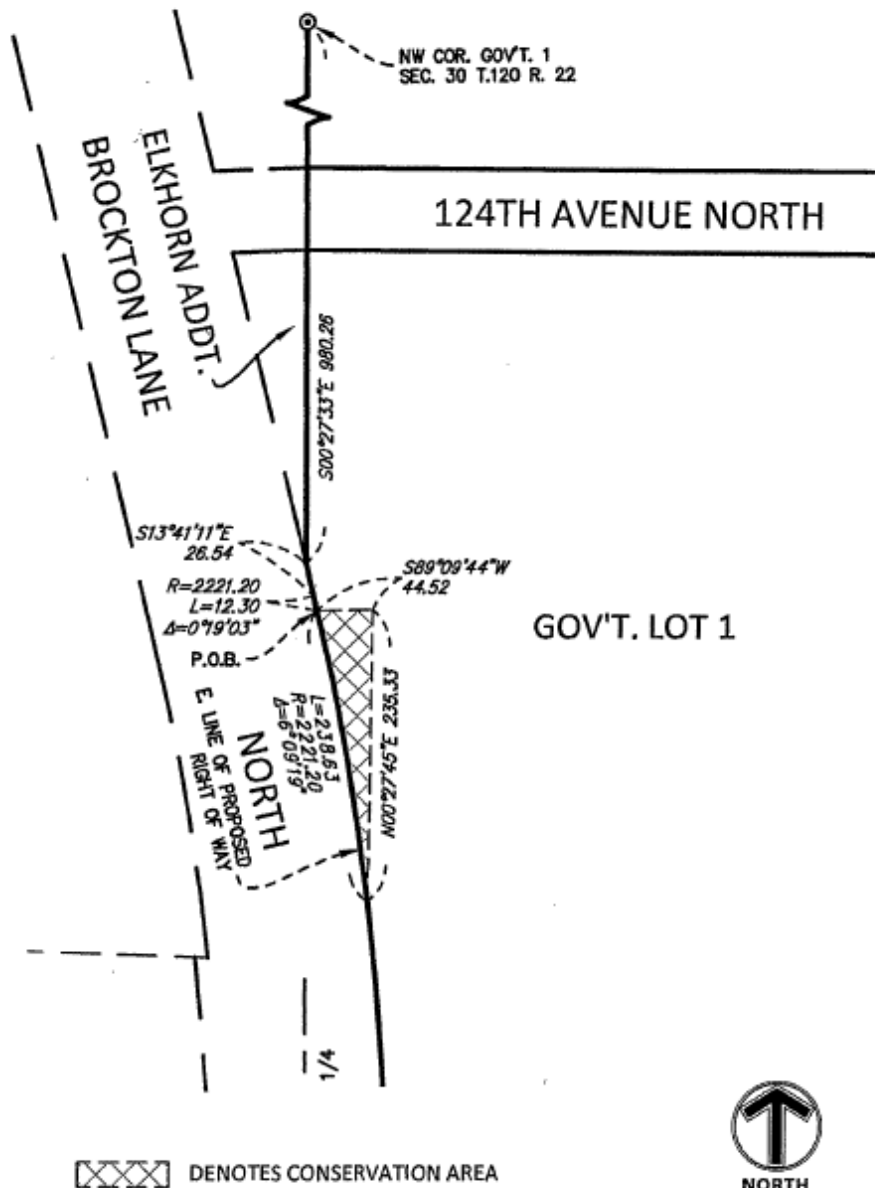
Sambatek
www.sambatek.com
Engineering | Surveying | Planning | Environmental

LIBERTY PROPERTY TRUST
FRENCH LAKE INDUSTRIAL CENTER
DAYTON, MN
CONSERVATION AREA

Designed: _____
Drawn: DL
Approved: RMS
Issued: 10/01/2015
Rev.: A
Date: 11/09/2015

Exhibit Number
C-1
Project No. LIB20016

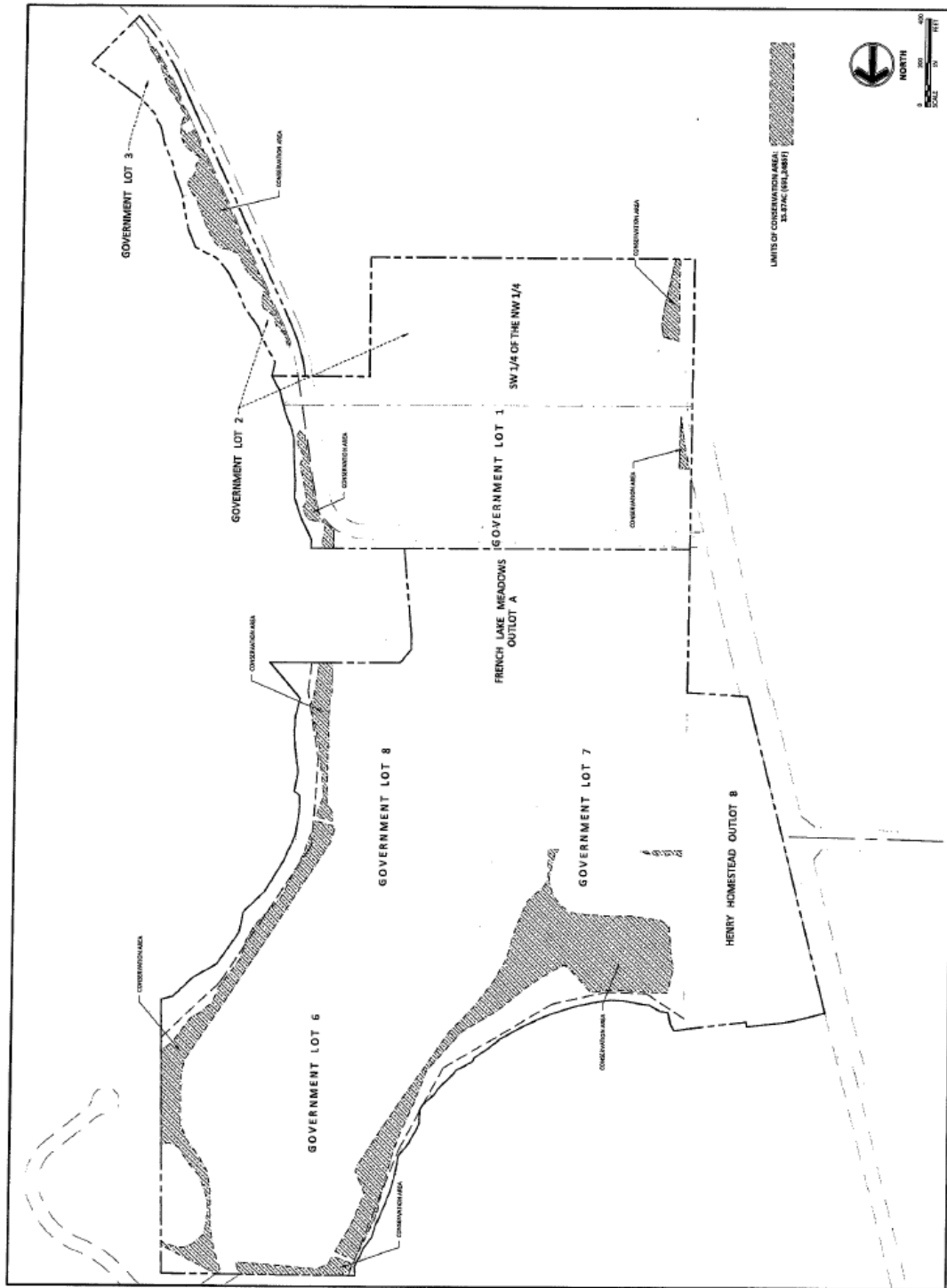
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LIBERTY PROPERTY TRUST
FRENCH LAKE INDUSTRIAL CENTER
DAYTON, MN
CONSERVATION AREA

Designed:
Drawn: DL
Approved: RMB
Issued: 10/01/2015
Rev.: A
Date: 11/09/2015

Exhibit Number
C-2
Project No. LIB20016



elm creek Watershed Management Commission

ADMINISTRATIVE OFFICE
3235 Fernbrook Lane
Plymouth, MN 55447
PH: 763.553.1144
email: judie@jass.biz
www.elmcreekwatershed.org

Dayton 94 Industrial Site Dayton, Project #2022-013

Project Overview:

Location: This is a 25.04-acre site located on the north side of County Road 81 between Brockton Lane N and Dayton Parkway.

Purpose: The applicant is proposing to construct a 334,750 square foot industrial building with associated parking for passenger vehicles and tractor trailers. In conjunction with this project there will be an extension of Troy Lane from its current cul-de-sac terminus continuing eastward to a future intersection with West French Lake Road. This roadway extension will be permitted at a future date by the city. The proposed project will create 17 acres of new impervious, disturbing 30 acres. The area of the two existing parcels is 25.04 with 0.44 acres of existing impervious.

ECWMC	X	Rule D	Stormwater Management
Rules	X	Rule E	Erosion and Sediment Control
Triggered:		Rule F	Floodplain Alterations
	X	Rule G	Wetland Alteration
		Rule H	Bridge and Culvert Crossings
	X	Rule I	Buffer Strips
		Rule K	Variance

Applicant:	Inland Development Partners	Attention:	Tom Shaver
Address:	100 Lake Street West, Suite 200 Wayzata, MN 55391	Phone:	952.495-6242
		Email:	Tshaver@inanddp.com

Agent:	Alliant Engineering	Attention:	Spencer Tolliver
Address:	733 Marquette Avenue, Suite 700 Minneapolis, MN 55402	Phone:	612-383-2228
		Email:	stolliver@alliant-inc.com

Exhibits:	Description	Date Received
Application	<input checked="" type="checkbox"/> Complete ECWMC Application	3/21/2022
	<input checked="" type="checkbox"/> ECWMC Request for Review and Approval	3/21/2022
	<input checked="" type="checkbox"/> City authorization: Dayton, MN	3/10/2022
	<input checked="" type="checkbox"/> Review fee: \$4,050	3/21/2022

Submittals

1. Civil -Architectural Drawings, not for construction, dated 2/22/2022 by Mohagen Hansen.
2. Drainage report dated 2/22/2022 by Alliant.
3. Geotechnical Evaluation Report by Braun Intertec dated 2/17/2022.

Findings

General

1. A complete application was received March 21, 2022. The initial 60-day decision period per MN Statute 15.99 expires May 20, 2022.
2. This existing 2 parcels are 25.04 acres combined of a wooded residential homestead and agricultural land use. Proposed is an industrial warehouse with parking, and some completion of public extension of Troy Road.
3. The project will disturb 29.78 acres. The whole project proposes to create 16.96 acres of new impervious areas consisting of the industrial building, parking and roadways.
4. Stormwater management is provided by an on site NURP pond and an onsite biofiltration pond. Most flow is directed either to downstream wetlands or a wetland tributary to French Lake.
5. Most of the site, under existing and proposed conditions, drains north to a wetland tributary to French Lake in the Diamond Creek Subwatershed. The remainder (2.3 acres in existing condition, 1.1 acres in proposed conditions), drains south to the CR 81 Ditch with drains to North Fork Rush Creek.
6. Three wetlands on the site totaling 0.55 acres will be removed by the construction of the industrial building. Wetlands along the northern portion of the site impacted for the construction of Troy Lane were not discussed.
7. There is flow from the west of the site not quantified in the runoff calcs.

Rule D – Stormwater Management

General

1. There are 2 existing and proposed discharge points from the parcel:
 - a. North to French Lake
 - b. South to the County Road 81 ROW.
2. A biofiltration basin and NURP pond on site are proposed to control peak flow rates and provide nutrient and sediment load reductions to meet water quality standards to accommodate the proposed change in land use on this site.
3. Another NURP pond off site is proposed for the Troy Lane Extension.
4. The applicant reports D soils on site based on the Geotechnical Report provided.
5. Low Floor Elevations of 947 **meets** the Commission's requirements to be than 2.0 feet above the 100-year elevation and 1.0 foot above the emergency overflow elevation to adjacent water features.
6. The City of Dayton requires the landowners to operates and maintains stormwater facilities on their properties. An operation and maintenance agreement approved by the City and Watershed

for the stormwater facilities onsite must be recorded on the land title for this property within 90 days after final plat approvals.

Water Quality Controls

1. Water quality controls **will meet** Commission requirements.
2. The applicant proposes a NURP pond and a biofiltration pond, which are represented in MIDS modeling to compute load reductions provided.
3. Table 1 summarizes MIDS model output for TP and TSS from the proposed wet pond systems.

Table 1 Water Quality Summary

Condition	TP Load (lbs/year)	TSS Load (lbs/year) (1)
Pre-development	21.7	2,629
Post-development without BMPs	42.1	7,009
Post-development with BMPs	17.9	805
Net Change	-3.8	-1,824

Rate Controls

1. Runoff from the existing and proposed conditions were modeled using a HydroCAD model.
2. Two discharge points were identified from the existing and proposed site described above.
3. Rate controls for the 2-year, 10-year and 100-year event **meets** the Commission requirement.

CR 81 Discharge (North Fork Rush Creek)

Flow (cfs)	2-Year	10-Year	100-Year
Existing	2.0	4.1	8.8
Proposed	1.6	2.9	5.8
Difference	-0.4	-1.2	-3.0

North Wetland Discharge to French Lake (Diamond Creek)

Flow (cfs)	2-Year	10-Year	100-Year
Existing	20.2	41.5	90.7
Proposed	2.5	8.9	14.0
Difference	-17.7	-32.6	-76.7

Table 3 Rate of Discharge Leaving Site

Abstraction Controls

1. Abstraction controls **meets** Commission requirements.
2. New impervious areas will be 17.35 acres requiring infiltration, 1.1 inches is 69,279 cubic feet.
3. The total volume for biofiltration is 83,885 cubic feet based on the applicants' calculations and staff verification. An excess of 14,602 acre feet of filtration is provided.

Rule E – Erosion Control

1. The proposed conditions meet the Commission requirements for erosion control.

Rule G – Wetland

1. A wetland assessment is provided by the applicant for wetlands on the proposed industrial site, but not for the roadway extension.
2. There are portions of 3 wetlands on the industrial site totaling 0.55 acres, not including wetlands impacted by the roadway extension.
3. The largest of the 3, wetland 1 in the northwest corner of the site will remain mostly intact in terms of area with some area converted to impervious. However, this wetland will be cut from its hydrology source as well as its natural outlet.
4. The two other wetlands on site totaling 0.17 acres or 7,405 square feet will be converted to impervious.
5. Mitigation plans are needed for both the on site and roadway impacts to wetlands.

Rule I – Buffer Strips

1. The applicant's proposal for establishing buffers around intact wetlands **meets** Commission requirements for width but does not meet the vegetative requirements or monumentation requirements.
2. The applicant will need to show locations of buffer monumentation and provide a new planting plan showing the extent of the appropriate native buffer seed mix in accordance with Rule I section 8.

Recommendation

Motion: Staff recommends conditional approval of project #2022-013 with the following condition(s):

1. *[Standard Condition] Approval is contingent upon payment of all review fees. Additional payment may be required if the review cost exceeds escrow payment(s) submitted by the applicant.*
2. *This project is for the Dayton Industrial site only. The City will be submitting separate application for Troy Lane documenting WCA and TEP approval and concurrence with other Commission requirements.*
3. *The applicant must meet all City Requirements as a condition of this permit.*
4. *The applicant shall show buffer monumentation on drawings and provide a planting plan for buffered areas in accordance with Commission standards.*
5. *Provide signed agreement from adjacent landowner (Cubes) and the City for any off site grading and direction of flow to the east.*
6. *Summarize the flow from the west and document no impacts to landowner on west. Update rates to reflect off site flow to city satisfaction.*

7. *The applicant provides the WCA and LGU approvals and mitigation plan before any Wetland Impacts can occur.*
8. *An operation and maintenance agreement for the stormwater facilities that implement those conditions that bind current and future owners of the project shall be recorded on this property.*

Rebecca Carlson, P.E. (MN)
Resilience Resources, LLC
Advisor to the Commission

5/4/2022
Date

Attachments

- Figure 1 Site Location Map
Figure 2 Aerial Imagery
Figure 3 Existing Drainage
Figure 4 Proposed Drainage and Grading

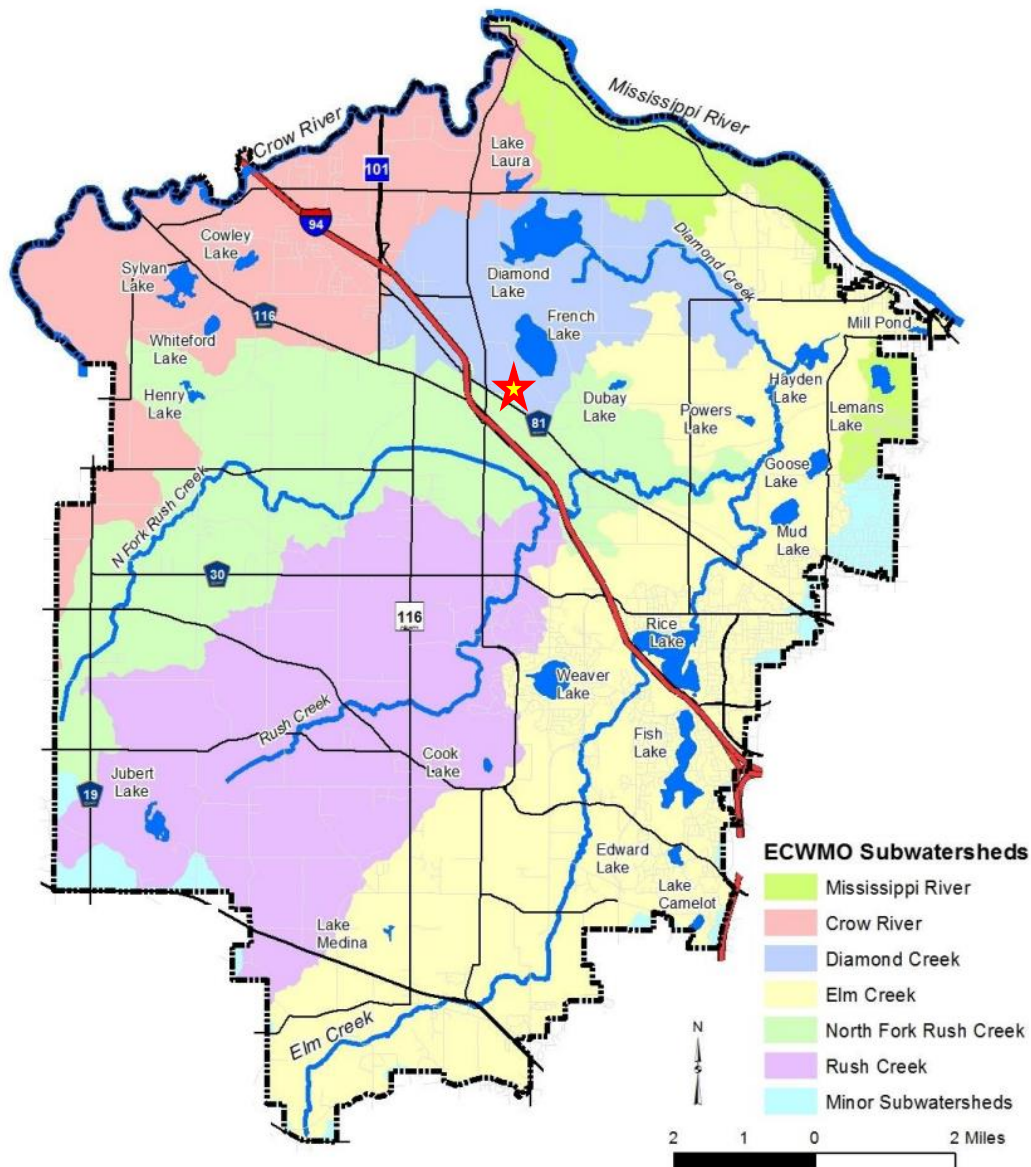


Figure 1. Site Location Map



Figure 2. Aerial Imagery

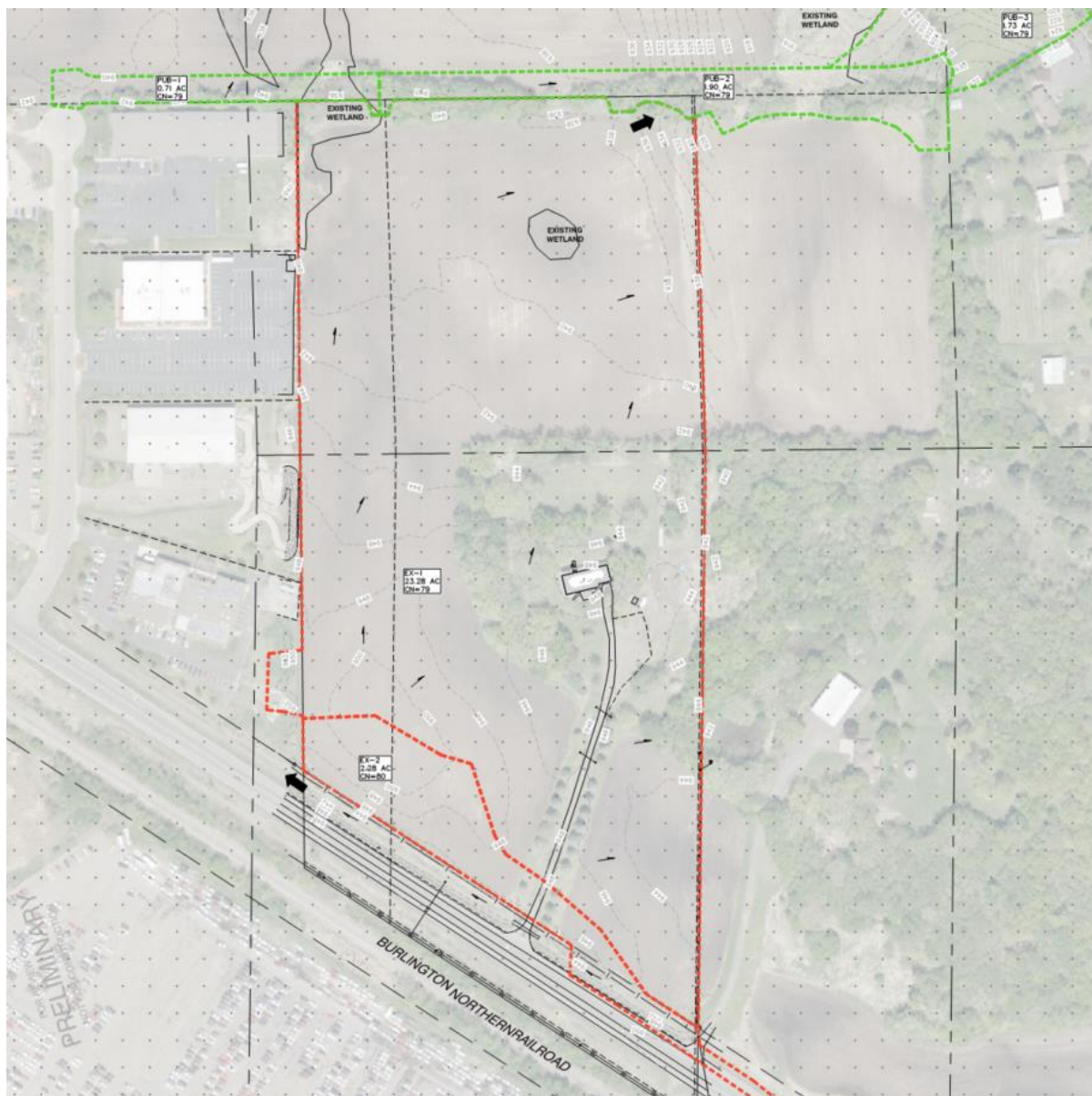


Figure 3. Existing Drainage

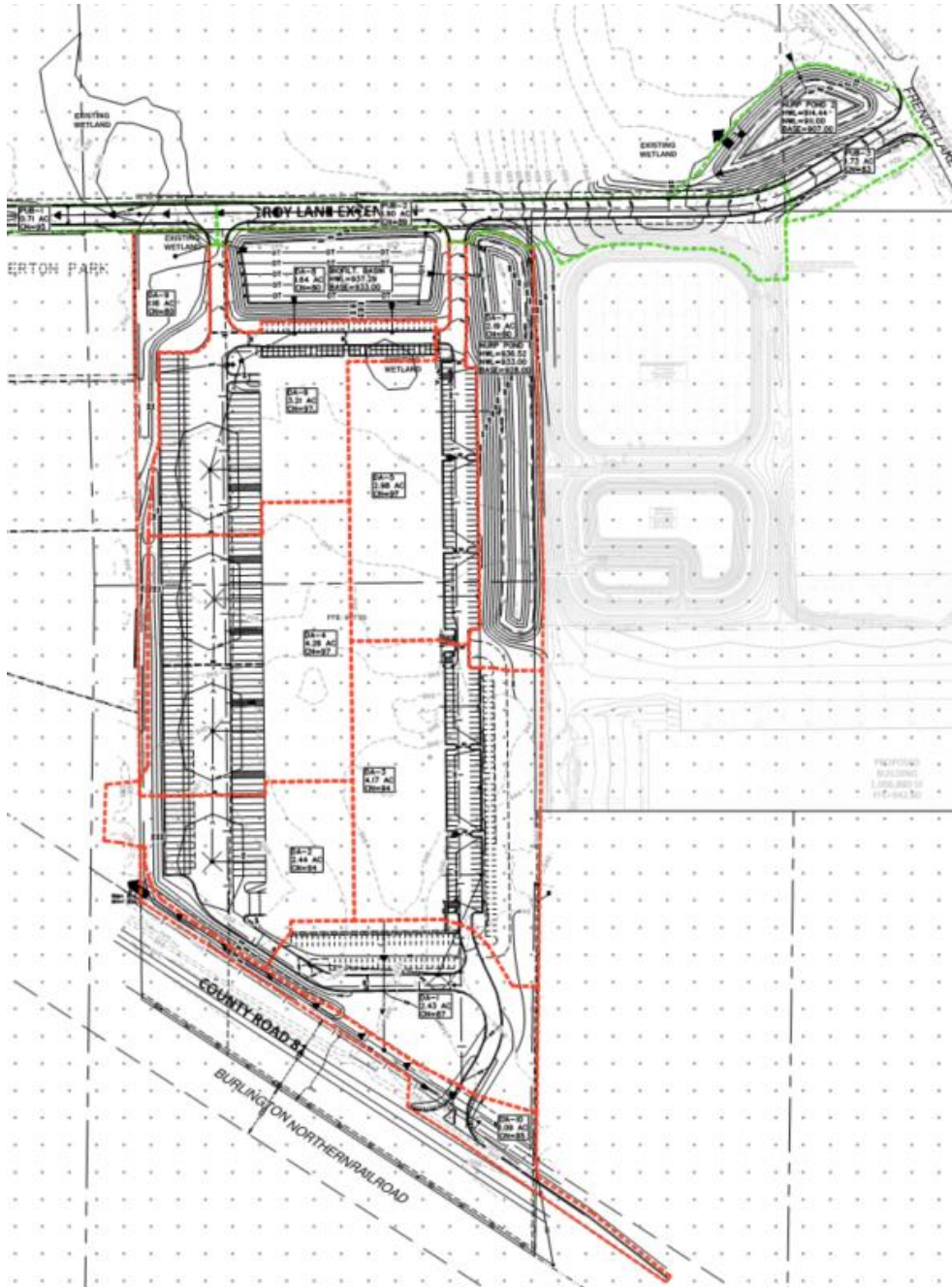


Figure 4. Proposed Drainage & Grading

elm creek Watershed Management Commission

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Rogers Activity Center Rogers Project #2022-016

Project Overview:

Location: The project site is located at 14160 James Road, bounded on the west by James Road, the north by commercial property, east by the Rogers High School, and south by County Road 141.

Purpose: The proposed project includes the installation of erosion control measures as required for mass grading of the site, grading for the installation of structures and future roads and parking lots, installation of storm sewer, and construction of curb and gutter and sidewalks throughout the site. The purpose of these activities is to prepare the site for building construction and development in the future.

WMC Rules	X	Rule D	Stormwater Management
Triggered:	X	Rule E	Erosion and Sediment Control
		Rule F	Floodplain Alterations
		Rule G	Wetland Alteration
		Rule H	Bridge and Culvert Crossings
	X	Rule I	Buffer Strips

Applicant:	The City of Rogers	Attention:	Doran M. Cote
Address:	22350 S. Diamond Lake Rd. Rogers, MN 55374	Phone:	763-428-0906
		Email:	

Agent:	Anderson Engineering	Attention:	Brian Field
Address:	13605 1 st Ave. N. #100 Plymouth, MN 55441	Phone:	763-412-4035
		Email:	bfield@ae-mn.com

Exhibits:	Description	Date Received
Application	<input checked="" type="checkbox"/> Complete ECWMC Application	March 30, 2022
	<input checked="" type="checkbox"/> ECWMC Request for Review and Approval	March 30, 2022
	<input checked="" type="checkbox"/> City authorization: Rogers, MN	March 24, 2022
	<input checked="" type="checkbox"/> Review fee: \$4,050	March 30, 2022
	<input checked="" type="checkbox"/> Project Documents (site plans, reports, models, etc.)	March 30, 2022

Submittals

1. Elm Creek Watershed Management Commission Project Review Fee Schedule
2. Site Construction Plans, prepared by Anderson, dated March 24, 2022, revised on April 26, 2022

3. *Elm Creek Watershed Management Commission Request for Plan Review and Approval*, dated March 24, 2022
4. *Stormwater Management Plan*, prepared by Anderson, dated March 23, 2022, revised on April 26, 2022
 - a. *Stormwater narrative*
 - b. *Existing Conditions Drainage Map*, prepared by Pioneer Engineering, dated March 23, 2022, revised on April 26, 2022
 - c. *Proposed Conditions Drainage Map*, prepared by Pioneer Engineering, dated March 23, 2022, revised on April 26, 2022
 - d. *Existing HydroCAD model run for the 2-, 10-, and 100-year events*, dated March 21, 2022, revised on April 27, 2022
 - e. *Proposed HydroCAD model run for the 2-, 10-, and 100-year events*, dated March 23, 2022, revised on April 27, 2022
 - f. *MIDS Model, Existing and Proposed Conditions*, dated March 18, 2022,
 - g. *Geotechnical Exploration and Engineering Review*, prepared by Braun Intertec, dated January 6, 2022
 - h. *Wetland Delineation Report*, prepared by Kjolhaug Environmental Services Co., dated August 6, 2021

Findings

General

1. A complete application was received March 30, 2022.
2. Redevelopment and additions to the Rogers Municipal Complex are proposed at 14160 James Road in Rogers MN. Site improvements will take place on Lot 1 & 2, Block 2 of the North Rogers Industrial Park and Lot 2, Block 1 of the Rogers High School Addition.
3. The project includes site clearing, demolition of the existing asphalt pavement, and "pad ready" grading for the construction of a future 106,425 SF turf and ice rink facility. The design accounts for a 37,000 SF expansion to the turf facility. The proposed site will be accessed from James Road to the west and the high school access on the east. The site has remained vacant for the last several years since the deconstruction of the golf course driving range. To complete the site grading of the existing golf course driving range, Pond 4P located near the southwest corner of the existing ice rink and Pond 7P located in the northeast corner of the driving range lot, will be filled in.
4. Stormwater will be treated regionally with the expansion of the Northeast Pond located in Lot 1, Block 1 of the Rogers High School Addition.
5. This submittal is for mass grading of the driving range, the installation of the storm sewer system, and the expansion of the existing regional infiltration basin. It is also understood that the proposed storm sewer infrastructure will have completed construction prior to any impervious surface construction on-site.
6. Finalized construction plans for the proposed buildings and parking lots will be submitted for review when finalized. Plans will be needed to confirm that the site does not exceed the proposed impervious surface area (8.77ac) and that the proposed impervious surface will be routed to the proposed stormwater improvements.
7. The golf course driving range encompasses 6.5-acre property and is bounded by 141st Ave N to the south, James Road to the west, the CMH-RE Holding, LLC building and an existing wetland to the north, and the Rogers Activity Center to the east. Approximately 350-acres drain onto the site

via storm sewer from an existing wetland south of 141st Ave N and is either directed into Pond 4P or the existing wetland 3.

8. The proposed conditions will consist of site grading for future redevelopment for an estimated 143,925 SF in additions to the Rogers Activity Center and an accompanying parking lot and access road. Site grading will consist of anticipated pad and parking lot correction with a crown in the middle of the proposed building layout. To complete the future complex, the City will need to acquire land from CMH-RE Holding and partially fill in the existing wetland 3P.
9. Stormwater for the site will be treated regionally with the excavation and size increase of 11P located in the Northeast corner of the High School site. Excavation will take place in the parcel of land adjacent to the east side of the existing pond. A new outlet control structure will be installed to control the 2-year and 10-year event and will outlet into the Hasson Hills wetland. Within the 100-year event, a new 80' long emergency overflow located in the northeast corner of the pond will be constructed to direct water into the wetland, below existing rates.
10. There is no FEMA floodplain or Elm Creek jurisdictional floodplain within the project limits.
11. Natural wetlands were identified within the project limits and have been identified in the submitted wetland delineation.

Rule D – Stormwater Management (plans)

Rate Controls

Rate control measures **meet** Commission standards.

1. Rate control for the site was provided by an existing wetland, two small ponding areas, and a regional expanded infiltration basin prior to discharging to the Hasson Hills wetland.
2. The applicant provided proposed HydroCAD model output for the 2-year, 10-year, and 100-year events which are summarized in Table 1.
3. Drawdown times meet Commission standards.

Table 1 Rate of Discharge Leaving Site

Direction	Condition	2-year (cfs)	10-year (cfs)	100-year (cfs)
To Hasson Hills Wetland	Pre- Project	3.48	37.59	227.20
	Proposed	2.89	25.05	205.40
	Change	-0.59	-12.54	-21.80

Low Floor Elevations

Low floor elevations for structures **meets** Commission standards and have 2-feet of freeboard above the high-water level and are at least one foot above the EOF.

BMP Name	EOF (feet)	100-year Flood Elevation	Low Floor of Hydraulically Connected Structure (feet)
3P	N/A	895.85	Approx. 902 (at the lowest)
11P	888.5	889.48	Unknown (HWL lowered from Ex. Condition)
Hasson Hills Wetland	N/A	878.5	Varies (HWL lowered from Ex. Condition)

Abstraction Controls

Abstraction controls **meet** Commission requirements.

1. Infiltration of the 1.1 inches of runoff from impervious areas is accomplished by the expanded infiltration basin 11P.
2. The project proposes to ultimately disturb 477,432 SF of land, of which is assumed to be 80% impervious. This comes out to be 381,946 SF of new impervious surface when the project is completed in the future.
3. The project is required to provide 1.1-inches of abstraction based on the new 381,946 SF of impervious surface in the amount of 0.804 acre-feet (35,012 cubic feet).
4. The applicant intends to provide abstraction control and water quality treatment by expanding an existing infiltration basin in the northeast corner of the project site.

Table 2 Summary of Abstraction Credits

BMP Practice	Abstraction Comments	Abstraction Credit (acre-ft)	Abstraction Credit (cubic feet)
Biofiltration – 11P	Credits based on Water Quality Volume	5.496	239,406
TOTAL		5.496	239,406

Water Quality

Water quality controls **meet** the Commission's standards.

1. The applicant intends to provide abstraction control and water quality treatment by expanding an existing infiltration basin in the northeast corner of the project site.
2. The applicant used MIDS models to demonstrate water quality compliance for the project. The results from the model are listed in Table 3 below.

Table 3 Abstraction Control and Water Quality Criteria Summary¹

	Annual Runoff Vol. (ac-ft)	Abstraction Vol. (ac-feet)	TP (lbs/year)	TSS (lbs/year)
Pre-Project	7.0	4.8	4.8	762
Proposed (w/o BMP's)	133.8	133.8	109.2	19,838
Proposed (w/ BMP's)	7.2	5	5.1	747
Change	+0.2	+0.2 (excess)	+0.3	-15

¹ Analysis completed in MIDS calculator by ECWMC technical staff

- Although there is an increase in the annual runoff and Total Phosphorus (TP) discharge from the site, the applicant has met the water quality requirements by providing more than the 1.1-inch runoff volume in the expanded infiltration basin. Additionally, the reductions for TSS and TP are greater than 95%.

Operation and Maintenance

The applicant has stated that City of Rodgers will be responsible for the long-term operation and maintenance of all stormwater management practices used within the property.

Rule E – Erosion and Sediment Control (plans)

- Plans **meet** Commission requirements for erosion and sediment control.
- The erosion and sediment control plans are consistent with current best management practices, including:
 - Rock construction entrance
 - Silt fence
 - Biorolls
 - Double (redundant) silt fence adjacent to delineated wetland boundaries
 - Catch basin inlet protection
 - Stabilization of disturbed soil areas.

Rule G – Wetland Alteration

Wetland alterations **meet** the Commission's requirements

- It should be noted that the proposed alterations to Wetland 3 are not to take place with this phase of the project. However, if alterations are planned to commence, a wetland Notice of Decision and mitigation plan will be needed to confirm the alterations.
- The wetland delineation report shows that the three incidental wetland areas being filled; Wetlands 2, 4, & 5. A Notice of Decision for these wetland boundaries and the No Loss determination is needed.

Rule I – Buffer Strips

Plans **do not meet** Commission requirements for buffer strips.

1. The site meets the Commission's standards for an average of 25-feet buffer width for lakes and wetlands, with a minimum of 10-feet in width.
2. It is unclear what type of seed mix will be used for any disturbed wetland buffer areas.
Commission approval will be contingent upon meeting requirements for native buffer strip vegetation.

Recommendation

Contingent Approval

Conditions for Approval

1. Approval is contingent upon final application escrow fee balance. Additional payment or refund of the fees will be determined when all conditions for approval are met.
2. Update plans to provide appropriate wetland buffer seed mix for any disturbed wetland buffer areas.
3. The elevation of Device #5 in node 11P (888.60) of the proposed HydroCAD model is not consistent with what is shown on the plan sheets (888.50). Update the proposed grading plan and sheets to be consistent with one another. Update report and tables if necessary to be consistent with HydroCAD results.
4. Provide Notice of Decision forms from the MN Board of Water and Soil Resources for Wetlands 2, 4, and 5 to confirm that wetland mitigation measures are not needed and that the wetland are incidental.
5. Finalized construction plans will need to be submitted prior to the construction of the proposed buildings and parking lots. Plans will be needed to confirm that the site does not exceed the proposed impervious surface area (8.77 acres) and that the impervious surfaces are routed to the proposed stormwater improvements.

On Behalf of Stantec Consulting Services, Inc.
Advisor to the Commission



5/4/2022
Date

Attachments

- | | |
|----------|---|
| Figure 1 | General Project Location |
| Figure 2 | Project Location |
| Figure 3 | Existing Drainage Map |
| Figure 4 | Proposed Drainage Plan |
| Figure 5 | Annotated Erosion and Sediment Control Plan |
| Figure 6 | Wetlands in Project Vicinity |

Figure 1 General Project Location

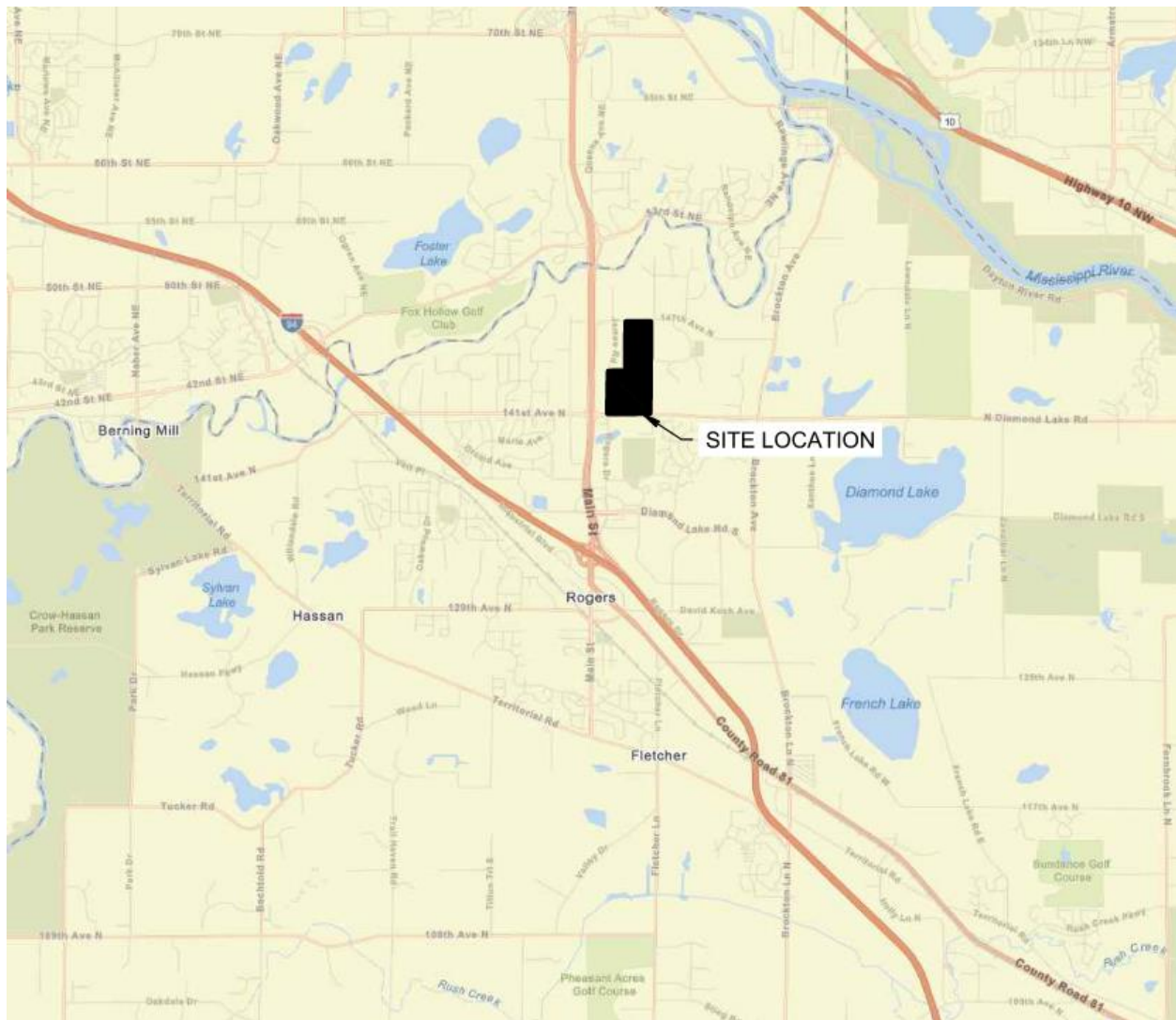


Figure 2 Project Location

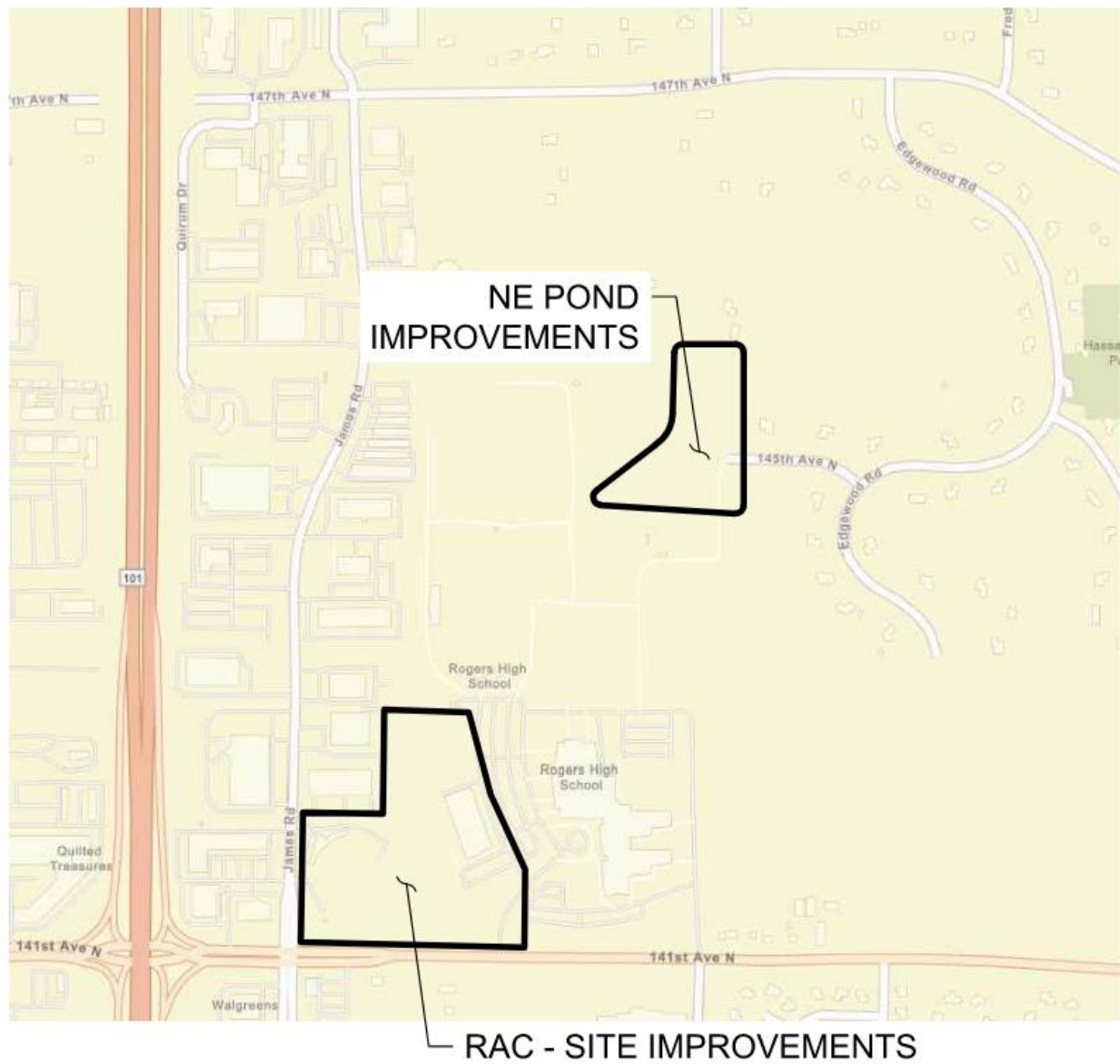


Figure 3 Existing Drainage Map

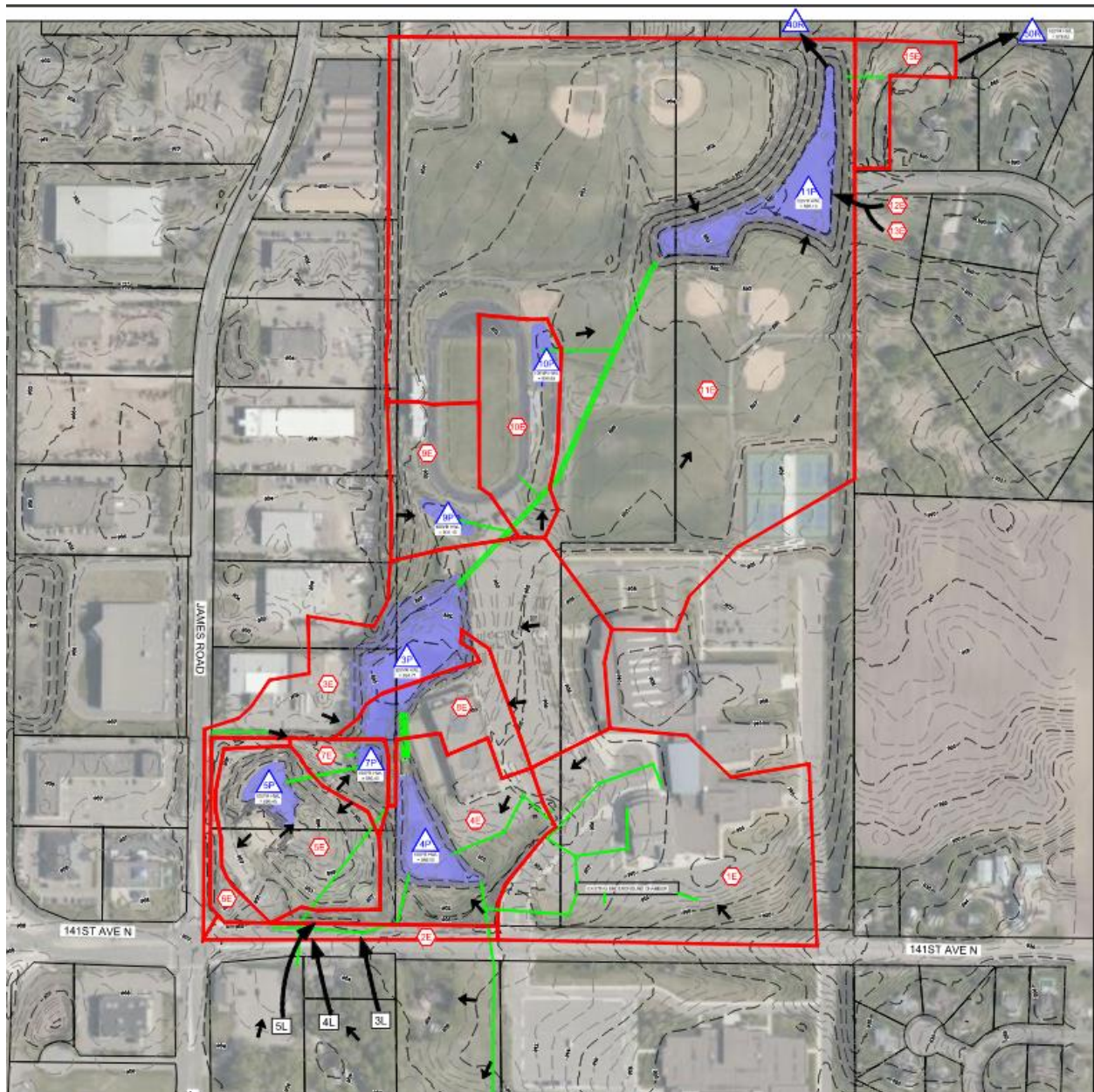


Figure 4 Proposed Drainage Plan

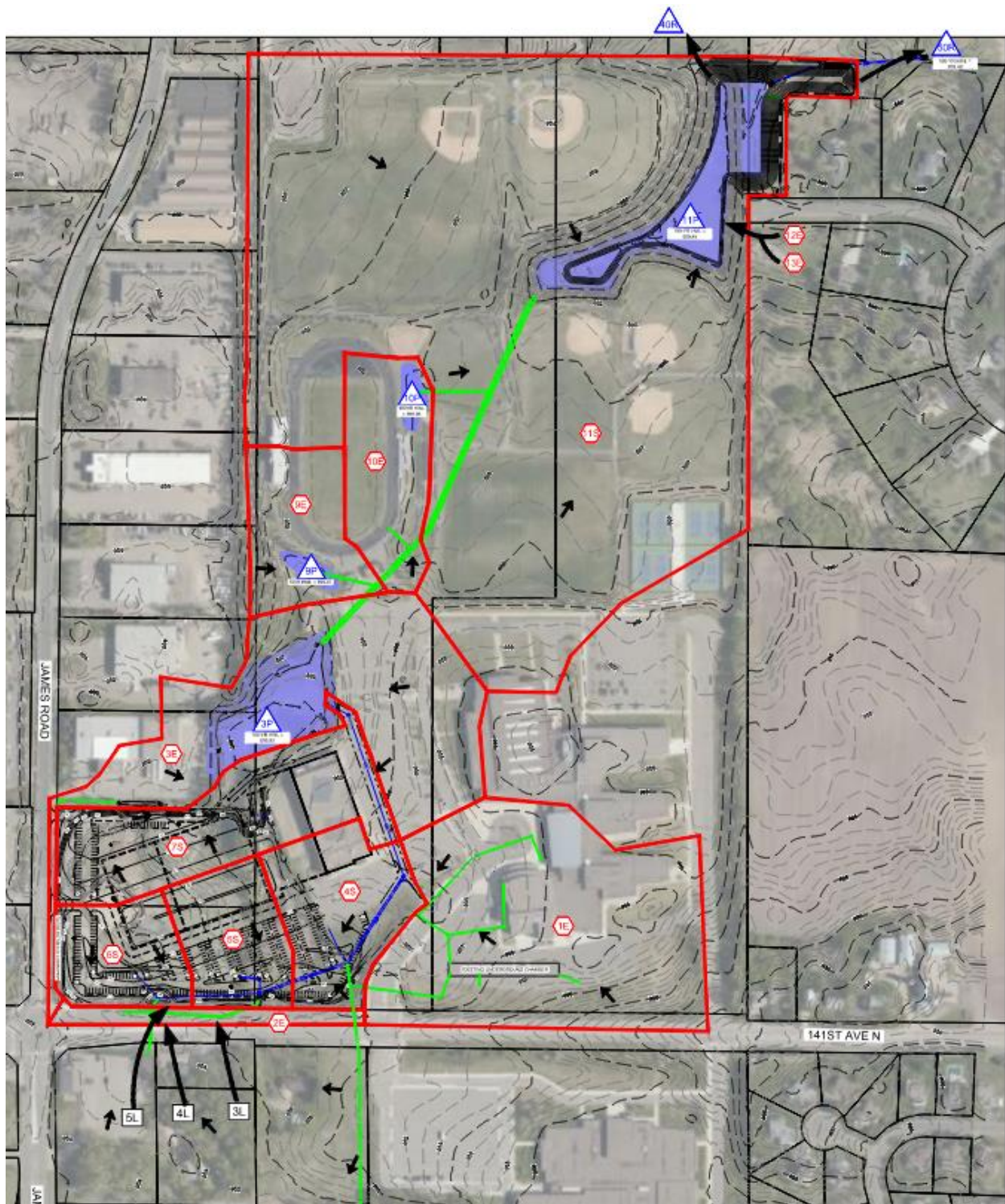


Figure 5 Annotated Erosion and Sediment Control Plan

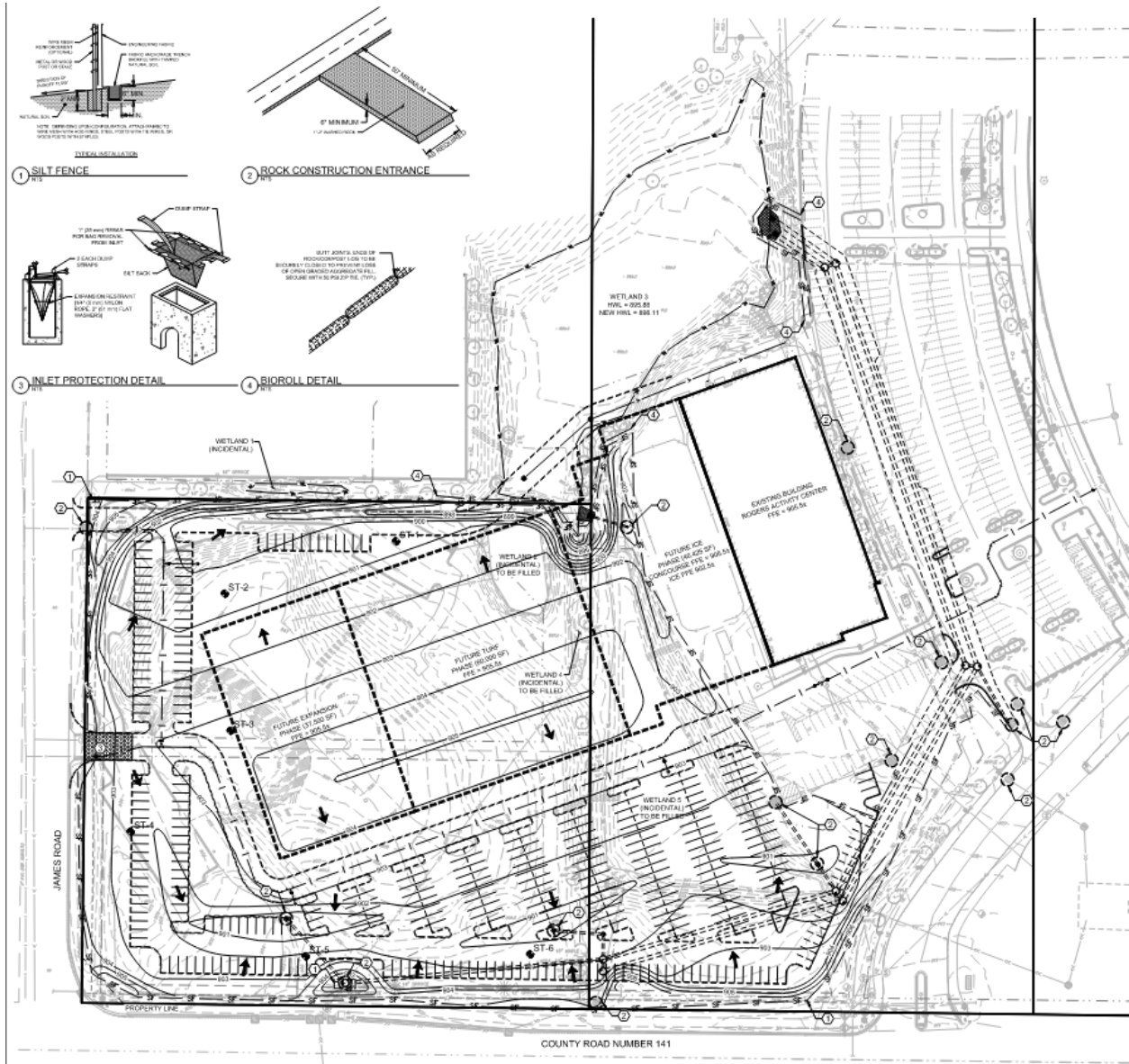
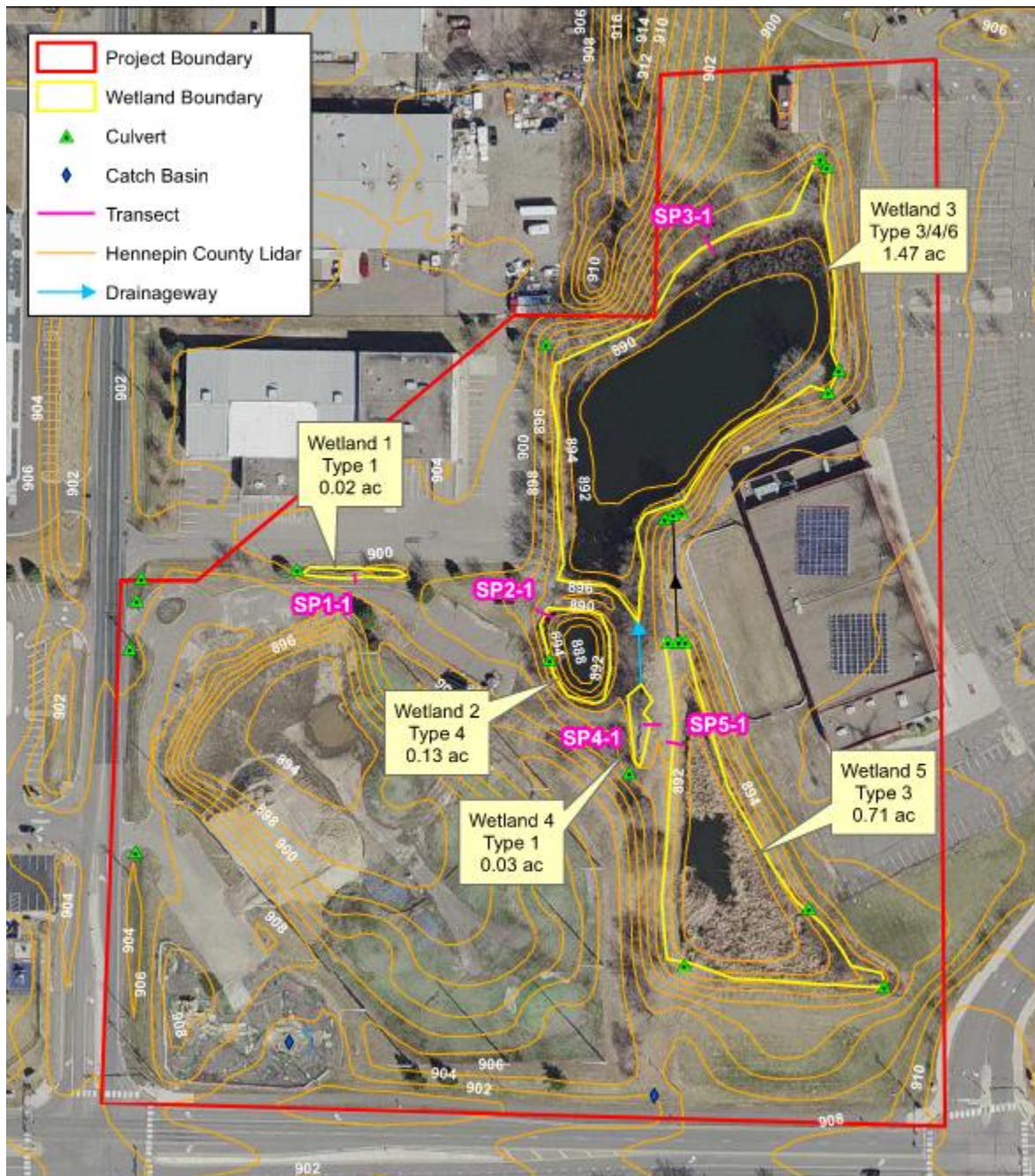


Figure 6 Wetlands in Project Vicinity



To: Elm Creek WMO Commissioners

From: Diane Spector
Judie Anderson
Budget Committee

Date: May 4, 2022

Subject: Preliminary 2023 Budget Status Report

**Recommended
Commission Action**

Discuss and provide direction to the Budget Committee and staff.

According to the Joint Powers Agreement, the Commission must on or before June 15 of each year adopt a budget for the coming year. Typically, the Commission would consider a preliminary budget in May of each year, either adopting it at the May meeting or holding over action to the June meeting. The budget must be transmitted along with notice of the apportionment of costs to each city by July 1. Member cities then have until August 15 to comment on or raise objections to the budget. If no objections are submitted, the budget proceeds as adopted. If objections are submitted in writing, then the Commission must hold a public hearing to consider modifying the budget or proceeding with no change.

The Budget Committee and staff met on May 4, 2022, to review a draft version of proposed 2023 budget, and are not yet ready to present a recommended budget to the Commission for its consideration. However, the Committee does offer the following general comments and questions for discussion:

1. The Committee does not anticipate any substantive changes to the operating programs that would impact the budget. Certain line items will be proposed for slight increase or decrease depending on the actual cost and revenues of the last few years.
2. 2022 is the final year in the Three Rivers contract for monitoring. The District has submitted updated contract prices for lake and stream monitoring that more closely recaptures their cost of providing that service. This is a proposed increase of \$1,275 for the combined services, from \$19,157 to \$20,432.
3. Interest income has fallen dramatically in the last few years, a combination of much lower interest rates and a lower fund balance as capital projects have been completed and grant/levy funds paid out. In previous years interest was several thousand dollars per year, but in 2021 was less than \$200 total. That revenue allowed the Commission to subsidize and limit city assessments.
4. The Committee and staff continue to work through and learn from the past years' experience with the new project review fee structure. Administrative costs were higher than expected as new procedures were put into place and operations worked out. As staff becomes more efficient and experienced those costs should decline. We will continue to monitor performance through 2022 and, if need be, will recommend revisions to the fee structure, including both the fixed, non-refundable administrative and technical fees, and the minimum escrows by project type and size.
5. The Committee would appreciate feedback from the Commission and TAC on city assessments for 2023, whether they should be increased and, if so, by how much. For information, the 2020 and 2021 assessments were both \$232,300, which was an increase from \$225,000 in 2019, which itself was no increase over 2018. Between 2018 and 2022, the CPI-U increased 15.2%, while the city assessment increased 5.5%.
6. The budget committee will take your feedback and meet again the week of May 16. We expect to send out a proposed 2023 budget the week of May 23, in advance of the meeting packet.

elm creek Watershed Management Commission

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TECHNICAL SUPPORT
Erik R. Megow | erik.megow@stantec.com
James Kujawa | surfacewatersolutions@outlook.com
Rebecca Carlson | rebecca@resilience-resources.com

STAFF REPORT May 4, 2022

- a. 2017-050W Ernie Mayers Wetland/floodplain violation, Corcoran.** The City of Corcoran contacted the Commission in December 2017 concerning drainage complaints on Mayers' property. Technical Evaluation Panels (TEPs) were held in 2017 and 2018 to assess the nature and extent of the violations and a restoration order was issued to Mayers. In October 2018, an appeal of the restoration order was received by the Board of Water and Soil Resources. BWSR placed an order of abeyance (stay) on the appeal looking for a resolution between the LGU and Mayers. The parties came to an agreement to resolve the violation in November or December of 2021. The agreement has been signed by BWSR, Corcoran and Mayers. Staff has not been provided with a copy of the agreement to date. BWSR responded that said agreement is not available unless it is released by one of the signers. Note, the WCA agreement does not resolve the Commission's floodplain fill issue from this wetland work. Staff sent correspondence to that effect to Mayers on February 1, 2022, requesting an application and site plan. *No new information was received in May.*
- b. 2021-025 Hackamore Road Reconstruction, Corcoran/Medina.** The cities of Corcoran and Medina plan to reconstruct 1.3 miles of Hackamore Road from just west of CR 116 to CR 101. The project will add 4.4 acres of new impervious surface along the stretch of roadway by widening the roadway, adding turn lanes, pedestrian facilities, and utility improvements. To meet the Commission's stormwater requirements, the project will largely rely on adjacent developments (both existing and proposed) to incorporate BMPs to provide rate control, volume control, and water quality control. Staff reviewed the early application and provided comments to the applicant. *Staff awaits response from the applicant on this project.*
- c. 2021-026 Prairie Creek, Medina.** This proposed development will consist of a new 17-lot single-family development encompassing approximately 6.72 acres located on Hamel Road at Elm Creek Drive. There will also be a new private street, concrete walks, and utilities. This project was approved by the Commission at their September meeting conditioned upon, (a) determination of the final escrow fee balance when all conditions for approval are met and (b) wetland buffer monumentation meeting Commission requirements. In March and April modifications were proposed to the original site plans approved by the Commission. *The homes are being changed from slab-on-grade to full basements. Elevations on four of the homes do not meet the Commission's 2-foot separation requirements between the adjacent pond highwater level vs the low floor elevation. The applicant is considering additional revisions to the buildings and layout and resubmittals.*
- d. 2021-028 Cubes at French Lake, Dayton.** This project is four parcels totaling 71.62 acres located south of 117th Avenue and north of the intersection of 113th Ave. and CSAH 81. It includes construction of a 996,960 SF industrial building with associated parking and utility improvements. In addition, the project includes the construction of Dayton Parkway from CSAH 81 to 117th Avenue North. The Commission approved this project on November 10, 2021, conditioned upon: (a) a stormwater system operation and management agreement being approved by the Commission and the City. Said agreement must be recorded on the land title within 90 days after the final plat approvals. A copy of the recorded agreement must be provided to the Commission prior to the Commission's final approval, (b) Prior to impacts, wetland and wetland buffer strips must comply with the City of Dayton, Minnesota Wetland Conservation Act, and Commission rules, (c) Permanent

RULE D - STORMWATER MANAGEMENT
RULE E - EROSION AND SEDIMENT CONTROL
RULE F - FLOODPLAIN ALTERATION

RULE G - WETLAND ALTERATION
RULE H - BRIDGE AND CULVERT CROSSINGS
RULE I - BUFFERS

Italics indicates new information

indicates enclosure

easements on wetland and buffer areas, and (d) final escrow balance determination when final approval is granted (without remaining conditions). The wetland replacement plans have been approved by the City of Dayton. Revisions to the plan dated February 14, 2022, were reviewed and approved by Staff. Contingencies Items a, b, and c above are also acceptable. The only remaining item is the escrow balance.

e. 2021-029 TriCare Grocery, Maple Grove. The project will construct a grocery store, retail, and associated parking on approximately 2.5 acres of the 62.7-acre TriCare parcel, which is located just north of County Road 30 and southwest of I-94. The project was reviewed for Rules D and E. Staff issued a denial in 2016 when the regional stormwater BMP project was constructed. On November 10, 2021, the Commission approved this project contingent upon reconciliation of the escrow balance and the City reconstructing the basin to meet Commission rules and standards.

f. 2021-031 Cook Lake Edgewater, Corcoran/Maple Grove. The application is for a 28.4-acre development just north of Bass Lake Road, on both sides of the Corcoran-Maple Grove municipal boundary. The development includes 60 single-family homes in Maple Grove, 12 single family homes in Corcoran, and senior care and memory centers in Corcoran. The project was reviewed for Rules D, E, G, and I. The project was approved at the November 2021 meeting with four contingencies. This project will be removed from the report pending reconciliation of fee escrows and complete documentation that the project has met contingencies listed for approval.

g. 2021-034 BAPS Temple, Medina. This project includes construction of a Hindu Temple, dining hall, gymnasium, parking lot and one permanent residency for the temple's priest on a 19.7-acre parcel at 1400 Hamel Road. The parcel currently serves as a farmstead with a farmhouse and barns. The project was reviewed for Rules D, E, G, and I. The Commission approved this project at its October 2021 meeting contingent on three conditions: (1) reconciliation of the escrow balance, (2) an operation and maintenance agreement with the City, and (3) a geotechnical report provided to the Commission.

h. 2021-037 Marsh Pointe, Medina. The Marsh Point project (also called the Arrowhead Drive project) includes construction of 38 single-family homes on the east side of Arrowhead Drive, west of Lake Medina. The development will replace four existing homes. The project was reviewed for Rules D, E, F, G, and I. The Commission approved this project at its December 2021 meeting condition on receipt of four items: (1) the escrow balance, (2) a Stormwater Maintenance Agreement, including irrigation system, being entered into with the City, (3) a wetland replacement plan approved by the LGU and the TEP, and (4) the buffer plan contingent upon approval of the wetland replacement plan.

i. 2021-038 Bellwether 6th/Amberly, Corcoran. The Bellwether 6th Addition and Amberly 1st Addition are developments in the city of Corcoran just west of County Road 101 and south of Stieg Road proposed for single-family homes. The developments are part of a 74 acre parcel also known as the Van Blaricom development. This project is located immediately west of the previous Bellwether developments (Encore) and was reviewed for Rules D, E, F, G, and I. At the December meeting, in their Findings dated November 22, 2021, and revised December 8, 2021, Staff recommended approval with five conditions: (1) return of surplus project escrows, (2) provision of a Stormwater Maintenance Agreement, including irrigation system, acceptable to the City and the Commission within 90 days after the plat is recorded for all stormwater BMP's on the site, (3) receipt of a wetland replacement plan approved by the LGU and the TEP, and (4) receipt of a buffer plan contingent upon approval of the wetland replacement plan.

j. 2021-039 I94 Logistics Center, Rogers. This is a 30.90-acre site located between I-94 on the west and County Road 13 (Brockton Lane) on the east. A proposed warehouse, parking lot, and loading dock will create 12.5 acres of new impervious on the site, which is currently undeveloped. Approximately 12.25 acres of the

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parcel is in a conservation easement to protect woodlands and wetlands and cannot be developed. The project was reviewed for Rules D, E, G, and I. The Commission approved this project at its October 2021 meeting contingent on three conditions: (1) reconciliation of the escrow balance, (2) an operation and maintenance agreement with the City, and (3) a WCA reapproval of the proposed wetland impacts.

k.. 2021-043 Northwood Community Church, Maple Grove. The existing project site is owned by Northwoods Community Church and functions as church offices. The proposed project demolishes these office buildings and constructs a church on the 10.56-acre parcel. The project was reviewed for Rules D, E, G, and I. The Commission approved the project at its February 2022 meeting contingent on receipt of the escrow fee balance and a Stormwater Maintenance Agreement enacted between the applicant and the City.

l. 2021-044 Balsam II Apartments, Dayton. The Commission approved this project in January 2022. As of this update the final infiltration testing of the stormwater basin and the escrow balance are the only remaining conditions outstanding.

m. 2021-046 Len Busch Roses, Plymouth. This project proposes to add an additional 25,00-square foot greenhouse on this site, disturbing 1.70-acres and creating 0.64-acres of new impervious on the site. The project was reviewed for Rules D and E. The Commission approved the project at its February 2022 meeting contingent on two conditions: receipt of escrow fee balance and a Stormwater Maintenance Agreement enacted between the applicant and the city.

n. 2021-047 CR 10 Box Culvert Replacement, Corcoran. Hennepin County will be replacing an existing 6'x10" box culvert with a 6'x6", 6'x4' and a 36" CMP pipe to replicate the existing flows of Hennepin County Ditch #16 under CR 10. The project was reviewed for Rules D, E, F, G, and H. The Commission approved the project at its February 2022 meeting contingent on two conditions: receipt of escrow fee balance and an approved wetland alterations plan.

o. 2021-048 Bellwether-Newman West, Corcoran. This parcel is the most recent phase of the Bellwether/Encore development. It is in the southwest 58-acre quadrant of the overall project (previously called the Encore development) located west of CR 101, south of Stieg Road and north of CR 30. It was reviewed for grading and erosion control and consistency with the previous approvals. The original phase I grading and the overall stormwater management plans for this project were approved by the Commission under project 2018-032. In their findings dated November 24, 2021, Staff administratively approved the project with the following four conditions. (1) Reconciliation of escrow fees when all conditions for approval are met, and (2) Wetland replacement plan approvals from the LGU must be provided for the Commission's review and must be approved by the LGU prior to any temporary or permanent impacts, and (3) Long term operation and maintenance of the regional and localized basins must be provided per Commission's requirements. and (4) Corcoran grading approval. *All items have satisfied except for the escrow balance.*

p. 2021-049 Dayton Business Interchange, Dayton. This is a 14-acre site, proposed to be developed into a 124,000 SF office/warehouse building along with truck staging area, parking areas and related utilities. Two filtration basins are proposed for stormwater management and construction of 6.93 acres of new impervious areas. Preliminary comments and request for revisions were provided to the applicant on November 19. Revised plans received in January and April have been reviewed, but do not meet the Commission's requirements. *The applicant extended the 15.99 deadline to July 4, 2022.*

q. 2021-050 Evanswood, Maple Grove. This proposed development will construct 227 single-family and 138 townhomes in the northwest corner of Maple Grove, disturbing 108.5-acres, and creating 45.8-acres of impervious surfaces, 41.4-acres of which is net, new impervious surfaces. The project was reviewed for Rules

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D, E, F, G, and I. Staff recommended approval at the March meeting contingent on five conditions: (1) final escrow balance being reconciled; (2) the applicant shall provide a Stormwater Maintenance Agreement that is acceptable to the city and the Commission within 90 days after the plat is recorded for all stormwater BMP's on the site that will not be operated and maintained by the city. Because the irrigation system included with the stormwater reuse BMP is part of the overall water reuse system that is necessary to meet the Commission's standards, the irrigation system shall be included in the Stormwater Maintenance Agreement. The applicant should provide irrigation distribution plans (pipe locations, size, preliminary pump plan, augmentation water info, area to be irrigated, and demonstration that the receiving soils have infiltration capacity) and an Operation and Maintenance Plan for the stormwater system, including the irrigation system; (3) the wetland de minimis exemption plan approved by the LGU and the TEP; (4) wetland monumentation along Lots R1 through R40 and U1 through U22 shall be in provided in accordance with Commission standards; and (5) a rock construction entrance shall be provided for Driveway #1 for access from 105th Avenue North.

r. 2021-051 Fields of Nanterre, Plymouth This project is the proposed maintenance of an existing drainage swale to remove accumulated sediment and cattails. The project does not create any new impervious surfaces. The project triggers Rules E and G. Pursuant to Commission Resolution No. 2005-01, In their findings dated November 22, 2021, Staff administratively approved the project contingent on (1) final escrow balance being reconciled and (2) an approved wetland no-loss decision or alternate approved wetland decision type being submitted to the Commission.

s 2021-052 Norbella Senior Living, Rogers. This project will construct a 40-unit senior living facility on South Diamond Lake Road. The proposed disturbance is 2.4-acres with net, new impervious surfaces of 1.4-acres. The project is being reviewed for Rules D and E. Initial comments were sent to the applicant on December 16 and Staff received responses on January 25. Staff recommend approval contingent on three conditions: (1) final escrow balance being reconciled, (2) a stormwater maintenance agreement being put in place between the owner and the city with terms acceptable to the Commission, and (3) a detail being added to the construction drawings showing the inspection ports being installed along the isolator row of the underground filtration system.

t. 2021-053 Towns at Fox Creek, Rogers. This proposed development will construct 150 multi-family townhomes between Industrial Boulevard and Hynes Road, disturbing 15.4-acres with 7.46-acres of impervious, 5.88-acres of which is net, new impervious surfaces. The project is being reviewed for Rules D, E, and G. Revisions were received on April 7, 2022 and the project meets the Commissions' standards. *This project will be on the Commission's May agenda for their decision. Project review and findings are included in the packet.*

u. 2021-054 Stotts Family Farm Grassed Waterways, Corcoran. A complete application was received on December 23, 2021. This is a 100-acre agricultural parcel located on CR 19. It is on the east side of CR 19 about one mile north of the intersection of CR 19 and Highway 55. The landowner is installing five grass waterways to stabilize channelized areas in his cropland. This work will grade and shape the channel areas to accommodate crossing of farm equipment and establish perennial grass vegetation to prevent future gully erosion. **The project was administratively reviewed and approved for grading and erosion control (Rule E) by Staff.** Revised plans received March 28, 2022, meet the Commission's requirements contingent upon escrow review and release. Staff's findings and review are included in this month's packet.

v. 2021-055 Morningside Estates 6th Addition, Champlin. This proposed development will construct seven single-family homes adjacent to the recently reviewed Oaks at Bauer Farm Project (2021-012) on the north side of French Lake Road, disturbing 2.8-acres and creating 0.8-acres of net, new impervious surfaces.

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The project was reviewed for Rules D and E and *received approval at the Commission's April meeting contingent on final escrow determination and O&M agreements with both the City and with the Oaks at Bauer Farms HOA with terms acceptable to the Commission being filed.*

w. 2022-001 Dayton Field 2nd Addition, Dayton. This is two parcels, 56 acres in size, proposed to be developed into two industrial lots and an outlot. Lot 1 will be an industrial building and lot 2 is proposed for a self-storage facility. *Revised plans received May 2 were reviewed and are recommended for contingent approval by Staff. Recommended contingencies for approval are: a) Elm Creek administrative office escrow review and release and b) long-term operation and maintenance compliance per the Commission's requirements. This item will be discussed at the May meeting. Findings and recommendations are included in this month's agenda packet.*

x. 2022-002 Summerwell Townhomes, Maple Grove. This project is for construction of a 26-acre site into a residential, townhome. It will create 13-acres of impervious, all of which is net, new impervious. The project triggers Rules D, E, G, and I. *This project does not meet the City or Commissions' Rule for low floors. Additional comments will be sent to the applicant in early May.*

y. 2022-003 Fox Briar Ridge East, Maple Grove. The proposed project is for construction of eight townhomes and one single family home with associated sidewalks, roads, and stormwater infrastructure. The project will create 1.81-acres of impervious, 1.68-acres of which is net, new impervious. The project triggers Rules D and E. The applicant extended the 15.99 deadline to June 7, 2022. *This project received approval at the Commission's April Meeting with two conditions: final escrow determination and provision of a stormwater maintenance agreement acceptable to the City and the Commission within 90 days after the plat is recorded for all stormwater BMPs on the site that will not be operated and maintained by the City..*

z. 2022-004 Loram/Scannell Medina Industrial EAW. Commission administrative and technical staff opened a project number to track time associated with an environmental assessment worksheet. The project is for a warehouse site on Arrowhead Drive, just south of Highway 55. Comments were submitted to the City of Medina on behalf of the Commission on February 22, 2022. This item will be removed from the report.

aa. 2022-005 Bellwether 7th Addition Corcoran. The project site is a 4-acre parcel within the Bellwether project, known as the Schober property. The proposed project would construct 17 single-family homes and expand existing pond 6N. The project was part of previous Bellwether project reviews and therefore only triggers Rule E. *The only outstanding item is the escrow balance.*

ab. 2022-006 Hamel Townhomes, Medina. The proposed project is for construction of 30 townhomes with associated sidewalks, roads, and stormwater infrastructure. The project will create 1.76-acres of impervious, 1.54-acres of which is net, new impervious. The project triggers Rules D and E. *The applicant is working on revisions requested by Staff on March 9, 2022. No recommendation is available for the Commission at this time.*

ac. 2022-007 Weston Commons 2nd Addition, Maple Grove. The proposed project is for construction of 82 row, townhomes with associated sidewalks, roads, and stormwater infrastructure. The project triggers Rules D, E, and I. *This project was approved at the Commission's April meeting pending final escrow determination .*

ad 2022-008 Bechtold Farms, Corcoran. This is two parcels that total 117.6 acres proposed to be subdivided into 12 large, single-family lots.. The project will create 6.3-acres impervious areas, 4.5-acres which are net, new impervious. The project triggers Rules D, E, F, G, and I. *The project was reviewed at the April 2022 Commission meeting and approved contingent upon the following conditions: (1) Final escrow determination;*

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(2) Preservation areas meeting the following criteria:(a) A long-term vegetation management plan describing methods of maintaining the conservation area in a natural vegetative condition must be submitted with the stormwater management plans. (i) An analysis of the conservation easement areas should be provided by an arborist or similar knowledgeable expert and include existing quality and quantity of native and non-native species. A plan to preserve, restore and protect native vegetation and control invasive species is needed and must be incorporated into the conservation easement. Newly restored preservation areas must have a minimum establishment of >70% native species and <5% invasive species; (b) A recordable conservation easement acceptable to the City and Commission for protecting the excess preservation areas must be provided and include the long-term management plan as part of the document. (c) Because the City will be the easement holder, they must agree with the preservation area and its management, restrictions, and preservation plan; (d) Conservation easement areas must have appropriate monumentation per wetland buffer spacing requirements; (3) An operation and maintenance agreement implementing those conditions that bind current and future owners of the project shall be recorded on this property; (4) Prior to any wetland impacts a wetland replacement plan must be approved by the City of Corcoran (LGU); (5) The buffer vegetation must meet Commission requirements for native vegetation establishment and maintenance. Additionally, the Commission added an advisory recommendation that the City/applicant follow the Commission's Model Livestock Policy. The vegetation management plan for the wetland buffers and preservation areas has since been approved by Commission staff on May 3, 2022. The City of Corcoran is working on the conservation easements and O & M agreements. Staff provided the Commission's livestock guidelines to the applicant and City.

ae. 2022-009 Dunkirk Lane Development, Plymouth. The project is located in the southwest quadrant of the intersection of Dunkirk Lane and 59th Avenue N. The proposed development includes construction of 21 single-family home units and the associated streets, utilities, and stormwater management basin. The Commission review covers Rules D and E. *This project received approval at the Commission's April meeting with three contingencies: (a) final escrow determination; (b) an updated detail for OCS 105 (Sheet 8 of 21) showing the 2'-wide by 1'-deep notch in the weir modeled in HydroCAD; and (c) Eliminate the redundant 5-foot weir in the HydroCAD model for the pond outlet. It is understood that the removal of this weir will not affect hydraulics or results for the 2-, 10- and 100-year storm HydroCAD modeling results but should be updated to be consistent with what is being constructed.*

af. 2022-010 Unity Tool Building Addition, Dayton. This site is located at the northeast intersection of County Road 81 and Troy Lane, across CR 81 from the Auto Auction site. The plan proposes to disturb 1.4 acres to expand the existing building by 16,075 square feet, reconfiguring the surface pavement and landscape areas, construct a stormwater basin and install site utilities. The current site design does not meet Commission requirements. Staff provided their initial review comments on March 16. *The 15.99 deadline was extended to July 6, 2022. No revisions have been received as of this update.*

ag. 2022-011 Arrowhead Drive Turn Lane Expansion, Medina. *This project consists of a linear project for the City of Medina and a private site expansion for Open Systems International (OSI). The City will be constructing a stormwater BMP on the OSI site to accommodate for rates and water quality from two projects: (1) Arrowhead Drive Turn Lane Expansion and the future (2) Open Systems International, Inc. (OSI) Expansion. The projects are being reviewed as a planned development being treated by the proposed basin. Updated plans were received April 1, 2022, and supplemental updates were received on April 14, 2022. The project meets the Commissions' standards and will be on the Commission's May agenda for their decision. Project review and findings are included in the packet.*

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ah. 2022-012 Graco Building 2, Dayton. Graco purchased this property that was the Liberty Industrial Center. The Liberty Industrial Center was approved by the Commission under project 2015-011. Graco is proposing to replat this site and construct a 515,400 square foot distribution center. Additionally, mass grading on the remaining portion of Outlot H, and Outlots A and B will occur to accommodate two future buildings, regional ponding, and the construction of French Lake Road West. In total, 74 acres will be graded. The Commission's review covers Rules D and E on the 74 acres being graded for this project. A complete plan was received on March 25. Staff continues to review the plans and revisions received April 8 and 29 for compliance to our rules. This site plan proposes to encroach into an existing conservation and preservation easement approved by the Commission for project 2015-011. Commission staff, Dayton and the applicant are looking for guidance and recommendations from the Commission on this encroachment. Additional information is included in the Commission's agenda packet for this discussion at the May meeting.

ai. 2022-013 Dayton Industrial Site, Dayton. This project is a 25.04 acre site located on the north side of County Road 81 between Brockton Lane and Dayton Parkway. The applicant is proposing to construct a 334,750 square foot industrial building with associated parking for passenger vehicles and tractor trailers. Construction of an extension of Troy Lane Extension from its current cul-de-sac terminus continuing eastward to a future intersection with West French Lake Road is also planned, but will be permitted separately by the City. The proposed project will create 17 acres of new impervious, disturbing 30 acres. The area of the two existing parcels is 25.04 with 0.44 acres of existing impervious. Staff received the signed application March 21, 2022. Staff completed an initial review and requested additional documents from the applicant. They were received March 29, 2022. Staff reviewed the materials provided and recommends conditional approval.

aj. 2022-014 Aster Mill, Rogers. This project is a 79.4-acre development bound by 129th Avenue North to the north, single family homes to the east and west, and a mix of woods and farmland to the south. The applicant is proposing 169 single-family home lots, 77 townhome lots, and private and public roads. The Commission review covers Rules D, E, G and I. A complete plan was received March 25, 2022, and initial comments were sent to the applicant on April 14, 2022. Updated plans and resubmittals were received on April 28, 2022 and are still being reviewed by Staff.

ak. 2022-015 County Road 47 Phase 1 Reconstruction., Plymouth. Hennepin County and the City of Plymouth are proposing to reconstruct approximately 4 miles of County Road (CR) 47 over the next few years. Phase 1 of the project extends from CSAH 101 to approximately 300 feet east of Lawndale Lane North. Improvements include reconstruction of CR 47 into a two-lane urban roadway, new trails, utility updates, and stormwater management BMPs. Commission review covers Rules D, E, and H. A complete application was received on April 4, 2022, and updated plans and submittals were April 27, 2022, and are currently under review by Staff.

al. 2022-016 Rogers Activity Center. Redevelopment and additions to the Rogers Municipal Complex are proposed at 14160 James Road. The project includes site clearing, demolition of the existing asphalt pavement, and grading for a future turf and ice rink facility. The Commission review covers Rules D, E, G and I. A complete plan was received March 30, 2022. Initial comments were sent to the applicant on April 14, 2022, and subsequent resubmittals were received on April 27, 2022. The project meets the Commissions' standards. This project will be on the Commission's May agenda for their decision. Project review and findings are included in the packet.

am. 2022-017 City Center Drive, Corcoran. This site is approximately 40-acres, adjacent to and east of CR 116. Corcoran is proposing to provide infrastructure and a regional stormwater system for the ultimate development of these 40 acres. An interim plan will construct City Center Drive, 79th Place, CR 116 turn

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Lanes and a portion of the proposed St. Therese Senior housing facility. The ultimate plan will add on future development south of 79th Place, the remaining St. Therese parcel and a linear city park and trail along CR 116. Staff has provided initial comments to the applicant and continues to work on reviewing updates and revisions. No recommendation is available at this time.

an.. 2022-018 Big Woods, Rogers. *This site is approximately 72.1 acres, with 61.0 acres being disturbed. The project will create 207 residential lots and include 23.6 acres of impervious surface after development. The Commission review covers Rules D, E, and I. A complete application was received April 15, 2022. Initial comments were sent to the applicant on April 25, 2022 and resubmittals were received on April 28, 2022 and are currently under review by Staff. No recommendation is available at this time.*

ao. 2022-019 Grass Lake Preserve, Dayton. *This is two parcels that are 38.45 acres in size, located east of Brockton Road (CR 13) approximately halfway between North and South Diamond Lake Roads. The applicant is proposing 120 twin homes and 6 single family detached homes with corresponding utilities, and streets. Site plans were received too late to review and provide a recommendation to the Commission in their May packet.*

ap. 2022-020 Sky Meadows Extension, Rogers. *This is a development on a 45.3 acre parcel which will disturb 44.1 acres and result in 14.1 acres of impervious surface. The impervious surface includes 129 lots and associated streets. The Commission review covers Rules D, E, G, and I. A complete application was received on April 21, 2022. Initial comments were sent to the applicant on April 27, 2022, and Staff are currently awaiting resubmittals from the applicant to address those comments. No recommendation is available at this time.*

aq 2022-021 Dayton 94 EAW. *The Dayton 94 project is a proposed warehouse on an existing 25-acre agricultural site. The project includes the construction of a 333,750 sf warehouse/office building located off County Road 81 (CSAH 81) near the intersection of Troy Lane. Staff is reviewing the EAW and will provide comments at the June Commission meeting.*

ar 2022-022 Cook Lake Highlands, Corcoran. *This is development project on 27.3 acres that will create 19 residential lots, 1-100 unit condo building, a memory care building, and a daycare building. The project will result in 8.5 acres of impervious surface after development. The Commission review covers Rules D, E, and I. A complete Application was received on April 25, 2022, and is currently under review by Staff. No recommendation is available at this time.*

as. 2022-023 Asguard, Rogers. *The proposed redevelopment will consist of a new residential and commercial building containing 71 residential units, retail area with underground parking, a restaurant, and a fuel facility. The project will be located at the intersection of Rogers Drive and 144th Avenue North on a 16.2-acre parcel and will result in 5.52 acres of impervious surface. The Commission review covers Rules D and E. A complete Application was received April 28, 2022, and is currently under review by Staff. No recommendation is available at this time.*

at. 2022-024 Bridge No. 27J70 on 101st Avenue, Maple Grove. *This project involves replacing existing timber double box culverts with a single concrete box culvert along 101st Avenue. The project also includes fill and mitigation along Rush Creek, below the 100-year flood elevation. Commission review covers Rules E, F and H. A complete application was received on April 27, 2022, and is currently under review by Staff. No recommendation is available at this time.*

FINAL RECORDINGS OR OTHER DOCUMENTATION/FOLLOW-UP ARE DUE ON THE FOLLOWING PROJECTS:

ba. 2014-015 Rogers Drive Extension, Rogers. This project involves improvements along Rogers Drive from Vevea Lane to Brockton Lane. Site plans received July 1, 2014 met the requirements of the Commission with the exception of the nutrient control. 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.

bb. 2015-030 Kiddiegarten Child Care Center, Maple Grove. Approved December 9, 2015. If the City 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. On February 5, 2019 Derek Asche contacted the owner requesting a copy of the recorded maintenance agreement. No update was available on July 2, 2019. *On November 2, 2021, Derek Asche reported there is no update for this project.*

bc. 2016-005W Ravinia Wetland Replacement Plan, Corcoran. In December 2016, the Commission approved Staff's recommendations on this wetland replacement plan. Barr Engineering is providing monitoring to ensure the replacement meets the performance standards of the approved plans. Annual reports were submitted to the US Army Corps of Engineers (USACE) in February 2019, February 2020, and March 2021. As of March 2021, wetlands and buffers are looking good but will need continued vegetation management in 2021 to get rid of invasive species (mostly cattail). Hydrology is good in both the restoration and creation areas. *Cattail and Reed canary grass reemerged during the 2021 growing season and will likely need another year of aggressive maintenance in 2022. The 2021 monitoring report will be submitted to the USACE in March 2022 with recommendations for maintenance.*

bd. 2017-014 Laurel Creek, Rogers. In June 2017, the Commission approved this project with four conditions. All contingency items have been provided with the exception of the O&M agreement which is being negotiated by the City as to whether the City or the HOA will be responsible for the operation and maintenance of the stormwater management facility. On August 31, 2017, Andrew Simmons responded that the O&M agreement is still being negotiated.

be. 2017-029 Brayburn Trails, Dayton. At their August 2017 meeting the Commission approved Staff's findings dated August 2, 2017 with five conditions. All of the conditions have been met except for the final recordings of the O&M agreements and easements. On March 7, 2018, the City reported: final plat approval has not been granted, easements will be recorded as plats are approved. Ponds will be maintained by the City of Dayton. An agreement, and additional easement, will be required for a water re-use system within one of the ponds (between the City and HOA). This system is not part of the first addition – the timing of said improvements/agreement is unknown. Construction had been expected to start in 2018.

On February 7, 2019, Jason Quisberg provided the following information: The 1st Addition was scaled back from what was proposed; associated construction activity is significantly completed. Extension of trunk utilities through Staff Sundance Golf Course are complete. The proposed 2nd Addition is under review. Improvements to 117th Avenue (East French Lake Road to Fernbrook Lane) will be part of the work done with the 2nd Addition. Construction is anticipated to start spring 2019. Pond easements are being recorded with the platting process for each addition (those [that are] part of the 1st Addition are in place). The water re-use system is not part of the 2nd Addition (will be with future additions).

On March 4, 2021, Nico Cantarero reported that Brayburn Trails is continuing to construct homes. The development is through their 6th addition with approximately 2/3 of the development final platted. 117th Avenue improvements have been constructed and the development continues to build infrastructure and homes.

bf. 2018-046 Graco Expansion, Rogers. This project is the expansion of an existing building. The site is located in an area that has regional ponding provided for rate control purposes, but needs to account for water quality and abstraction requirements on-site prior to discharging offsite as part of the improvements. The Commission granted conditional approval at their October 2018 meeting. Conditions of approval were to (1) submit a SWPPP plan meeting requirements, (2) clarify maintenance responsibilities for the iron enhanced sand filter, and (3) a letter from the City of Rogers stating their intentions to provide the water quality deficit in an upcoming project. Staff confirmed several minor plan revisions

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remain in conformance with the original approval. This item will remain on the Staff report until such time as the water quality deficit has been made up.

bg. 2018-048 Faithbrook Church, Phase 2, Dayton. This project is an expansion of an existing church located northeast of the intersection of Fernbrook Lane and Elm Creek Road. The Commission approved this project in November 2018 conditioned upon receipt of a SWPPP meeting NPDES requirements and the City accepting maintenance responsibility or recording a modified O&M plan for the stormwater features on the site in a form acceptable to the Commission. On February 7, 2019, Jason Quisberg reported that this project has gone idle, likely due to funding needs of the applicant. On March 4, 2021, Nico Cantarero reported that the outlet to the church has been constructed. The church still has plans for a Phase 2 expansion, but it has not been initiated to date.

bh. 2019-021 Brenly Meadows, Rogers. This is a 38-unit townhome project proposed on 6.9 acres north of 129th Avenue about one-third mile west of Main Street. It triggered the Commission's review for Rules D, and E. This item was approved by the Commission at their August 2019 meeting, contingent upon O & M plan requirements for the stormwater pond and irrigation system.

bi. 2019-026 Interstate Power Systems, Rogers. This is a 10-acre site to construct a 1-acre building for a mechanical shop and 6 acres of parking and driveways along County Road 81. It triggered review of Rule D, E, G, and I. This item was approved by the Commission at their November 2019 meeting, contingent upon documentation of existing conditions pollutant loading and a recorded O&M plan for onsite BMPs. The applicant provided the pollutant loading data in November 2019. Commission is still awaiting the O&M plan.

bj. 2019-027 Havenwood at Maple Grove. This is a 5.6-acre site located at the northwest intersection of Bass Lake Road (CR10) and Troy Lane (CR101). The site is proposed to be subdivided into two lots. The southerly lot will be 4.5-acres with a 150-unit senior living facility. The remaining outlot (~1.3 acres) is anticipated to be a daycare facility. In their findings dated October 17, 2019, Staff recommended approval contingent upon the irrigation pond and system having an O&M plan approved by the City and Commission and recorded on the title for this property, with a copy provided to the Commission. On November 2, 2021, Derek Asche reported no update for this project.

bk. 2020-008 Lone Gardens, Dayton. This project is located at the northwest intersection of CSAH 144 (Diamond Lake North) and 12 (Dayton River Road). The site consists of three agricultural properties totaling 48.29 acres. 112 new single-family residential lots creating 16.84 acres of new impervious surface area are proposed for this development. The Commission's review was for compliance with Rules D, E, G, and I. At their October 2020 meeting the Commission approved Phase I grading on the north 14-acre area conditioned that: a) the applicant accepts any and all risks for any changes required to obtain final approval by the Commission and b) that the City of Dayton grants approvals for said grading, and to deny the remainder of the application unless the applicant extends the review deadline beyond the current October 21, 2020, deadline. The applicant extended the deadline to November 30, 2020. Updated site plans received November 16, 2020, met the contingencies of the Commission approval with the exception of the post development infiltration basin percolation test requirements. At their December meeting the Commission approved the updated plans contingent upon post-development percolation tests being provided on infiltration basins to demonstrate the constructed infiltration rate meets or exceeds the design infiltration rates.

On March 4, 2021, Nico Cantarero reported that Lone Gardens constructed their 1st addition of approximately 30 homes along the northern portion of the site. The developer has indicated plans to grade the remainder of the site and construct the 2nd addition of the development in 2021 which would include the second access to the site onto North Diamond Lake Road.

bl. 2020-009 Stetler Barn, Medina. This site disturbs approximately 3.5 acres and must meet Commission Rules D, E, and I. Because of the limited available space for pasture, paddocks and land application of manure, understanding how these components will be managed was also an important part of the review. A complete plan was received on April 22, 2020. At their May 13, 2020, meeting the Commission approved this project contingent upon: 1) the landowner continuing to work with the U of M Extension Office and Hennepin County Rural Conservationist to finalize composting, pasture and paddock management plans and 2) a long-term pond/basin operation and

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maintenance plan and agreement with the City of Medina being approved by the City and the Commission. The agreement must be recorded on the land title with a copy of the recorded agreement provided to the Commission.

bm. 2020-017 Meadow View Townhomes, Medina. This is a 22-acre site located south of Meander Road and north of Highway 55. Lennar Homes is proposing to build 125 townhomes with their necessary infrastructure on this site. A complete application was received May 29, 2020. The plans call for 7.64 acres of new impervious areas. The Commission's review was for conformance to Rules D, E, F, G, and I. At their October meeting, the Commission approved Staff's finding dated September 30, 2020, contingent upon (1) The mean (average) depth on the west wet detention pond must be 4.0' or deeper; (2) Buffer strip monumentation and vegetation maintenance plans must conform to the Commission's requirements; (3) An operation and maintenance agreement of the stormwater ponds and irrigation system must be approved by the City and the Commission. The agreement must be recorded on the property title with a copy of the recorded document provided to the Commission; and (4) Erosion and sediment controls must conform to Commission requirements. Since the approval, the City of Medina has requested the applicant provide abstraction by irrigation only, thus eliminating one filter basin. Staff reviewed the changes and found the updates to be compliant with the Commission's original approvals for stormwater management and administratively approved the plans contingent upon item (3) above and added the condition that design information on the irrigation pump and augmentation water source must be provided within six months of this approval. On November 2, 2021, Dusty Finke provided the Commission with a copy of the recorded O&M agreement.

bn. 2020-023 Ziegler, Dayton. This is an existing 4.73-acre commercial parcel located on Territorial Road near Holly Lane close to the Maple Grove/Dayton border. Currently the property consists of a building with bituminous drive and parking areas and a large gravel storage yard. The applicant is proposing to utilize the existing building, construct an additional commercial building, expand the bituminous parking lot, and add gravel lots for merchandise display and storage, triggering Commission Rules D, E, G, and I. The Commission approved this project at their August 2020 meeting contingent upon wetland permitting being obtained and an Operation & Maintenance agreement being recorded on the land title. The wetland permit has been approved, but the O&M plan has yet to be received. On March 4, 2021, Nico Cantarero reported that Ziegler plans to construct their site improvements in 2021.

bo. 2020-032 Enclave Rogers – Commerce Boulevard., Rogers. This project would create an apartment complex on a 3.3-acre site. The existing condition is undeveloped. The project will disturb the entire site and create 2.15 acres of impervious surface. The applicant is proposing an iron enhanced sand filter to meet Total Phosphorus removal requirements. The site is within two of the three outlots created as part of the adjacent former Lowe's development. The application was reviewed for Rules D and E. Staff granted administrative approval for grading contingent on applicant accepting risk for changes required for final approval and on approval from the City for grading activities. In their findings dated December 2, 2020, Staff recommended approval with those conditions, as well as submission of an O&M agreement for stormwater features and with minor updates to the hydrology report and the SWPPP. The Commission approved Staff recommendations at their December 9, 2020, meeting.

bp. 2020-033 Weston Woods, Medina. This project would create 150 residential units on a 135-acre undeveloped site. The project will disturb 49.2 acres and create 17.49 acres of impervious area. The Commission approved this project at their March 2021 meeting with four contingencies: a) Wetland replacement plans must be approved by the City of Medina (LGU), MN DNR and USACE prior to impacts, b) Provide quantification of the change in flood storage capacity for the one-percent annual chance flood event due to the proposed project, c) Provide documentation that changes in flood elevation and loss of floodplain storage have been avoided, minimized, and/or mitigated to the extent practicable. Demonstrate that changes in flood elevation will not cause high water or aggravate flooding on other land and, d) An O&M agreement for stormwater facilities, including irrigation pumping system components and augmentation wells system, must be approved by the City and the Commission and recorded within 90-days after final plat approval on the title to this property. A copy of the recorded agreements must be provided to the Commission.

bq. 2020-036 Balsam Pointe, Dayton. This project will create 98 residential units on a 10-acre site near the intersection of Diamond Lake Road South and Dayton Road. The existing condition is undeveloped. The project will disturb the entire site and create 5.3 acres of new impervious. The application was reviewed for Rules D and E. The

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Commission approved Staff's recommendations at their January 13, 2021, meeting contingent upon an O&M agreement meeting the Commission's standards being recorded on the land title.

br. 2021-007 Birchwood 2nd Addition, Rogers. This project is east of CR13 (Brockton Lane) approximately 1/2 mile south of the intersection of CR 144 (141st Avenue North) and CR13. The applicant is proposing to develop the site into 30 single-family residential lots. The site drains south and east into Grass Lake. This work will disturb 10 acres and create 4.0 acres of new impervious area. At their April 2021 meeting the Commission approved this project contingent upon the final SWPPP being submitted prior to grading and receipt of any outstanding project review fees.

bs. 2021-016 Territorial Lofts, Rogers. This is a 5.39-acre site on Territorial Road, adjacent to the Laurel Creek development. The project would construct a 75-unit apartment building, underground parking, a detached garage, maintenance facilities, and access road, creating 2.397 acres of total impervious (1.86 acres net new impervious) and disturbing 5.2 acres. The existing site is two single-family residential homes. The site proposes to use stormwater reuse with an irrigation system to meet abstraction requirements due to low infiltration capacity soils. The project was reviewed for Rules D, E, G, and I. The project was approved by the Commission at its July 2021 meeting contingent upon receipt of outstanding project review fees and a stormwater maintenance agreement being put in place between the owner and the city with terms acceptable to the Commission. *The outstanding fees have been received.*

bt. 2021-020 Crew Carwash, Maple Grove. This project would reconstruct an existing bank building and parking lot on a 1.80-acre parcel into a carwash. The site is located southwest of the intersection of Weaver Lake Road and Elm Creek Boulevard with access from Grove Drive. The disturbance is 1.52 acres, the existing impervious is 1.07 acres, and the proposed impervious is 1.17 acres. Runoff from this site flows into a regional pond on Arbor Lakes Parkway, which ultimately discharges to Rice Lake. The City has stated that the regional pond meets rate control and water quality treatment for the site. The applicant is proposing to use soil amendments to meet the Commission's volume rules. The Commission approved the project at its June meeting contingent on a maintenance agreement being filed with the City with terms agreeable to the Commission. The surplus escrow will be returned to the applicant.

bu. 2021-021 Territorial Triangle, Dayton. This site is in the easterly triangle Territorial Road and CR 81 intersection near the border of Dayton and Maple Grove. The applicant is proposing to subdivide the 14-acre parcel into 30 rowhome units and 56 townhome units. Two ponding basins are proposed for stormwater management. This work will disturb approximately 10 acres and create 5.7 acres of new impervious areas. The Commission approved Staff's recommendations cited in their findings dated July 22, 2021 contingent upon (a) final application escrow fee balance determination by the Commission administrator and (b) provision of a Stormwater Maintenance Agreement for the irrigation system that is acceptable to the city and the Commission within 90 days after the plat is recorded. The surplus escrow will be returned to the applicant.

bv. 2021-023 Maple Grove MOB, Maple Grove. This project would construct a Medical Office Building and associated parking on an undeveloped parcel. The site is located on the southeastern corner of the intersection of 105th Avenue North and Niagara Lane, immediately north of the Highway 610 and Maple Grove Parkway interchange. The project was reviewed for Rules D and E. The Commission approved this project at its October 2021 meeting contingent on: receipt of deficit fee escrows and an operation and maintenance agreement with the City.

bw. 2021-024 Riverwalk, Dayton. This site is south of CR 12 (Dayton River Road) and west of River Hills Parkway approximately 1/4 mile north of CR 144 (Diamond Lake Road). The applicant proposes to construct a new single family residential subdivision with 242 lots including one amenity lot and a city well site. Site development will include removal of an existing home site, grading 94 acres, and installation of municipal sewer and water, streets, and stormwater systems. The Commission approved Staff's recommendations in their findings dated August 11, 2021, at their August 2021 meeting contingent upon four conditions. The surplus escrow will be returned to the applicant.

bx. 2021-027 Xcel Energy Elm Creek Substation, Maple Grove. Xcel Energy is proposing to expand an existing electrical substation between Maple Grove Parkway and Fernbrook Lane near the Highway 610 expansion. The expansion will occur within the existing 17.09-acre parcel. The project was reviewed for Rules D and E. The Commission approved this project at its October 2021 meeting contingent on receipt of deficit fee escrows and an O&M agreement with the City.

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by. 2021-035 Mister Carwash, Rogers. The project includes redevelopment of an existing, vacant Staff restaurant building, parking lot, and drive-through into a new carwash facility at 21421 South Diamond Lake Road. The redevelopment is anticipated to decrease the impervious area by approximately 0.3 acres at the project site and add an underground filtration basin with underdrain. The project was reviewed for Rules D and E. The Commission approved this project at its December 2021 meeting with four contingencies: 1) receipt of deficit escrows, 2) a Stormwater Maintenance Agreement, including irrigation system, being entered with the City, 3) A wetland replacement plan approved by the LGU and the TEP, and 4) the buffer plan contingent upon approval of the wetland replacement plan.

bz. 2021-036 D&D Service, Corcoran. The D&D Service development is proposed at the southeast corner of the intersection of County Roads 10 and 19 on a 16.54-acre parcel. The proposed project will include a large warehouse and office buildings along with parking and associated facilities. The existing site is a single farmhouse and surrounding agricultural land. The project was reviewed for Rules D, E, G, and I. Findings updated October 5, 2021, wherein Staff recommended contingent approval with five conditions, were approved at the October meeting.

ca. 2021-040 NAPA Auto Store, Corcoran. This project is located at the northwest intersection of CR 116 and 75th Avenue on the old Liquor Store parcel. The applicant proposes to demolish the current building and adjoining parking areas and construct a 12,800 SF NAPA Auto building, parking lot and associated utilities. An extra 3,600 feet of building area is proposed for future expansion and is included within the stormwater management design for this site. The Commission approved this project at their October 2021 meeting contingent upon return of surplus project escrows and a stormwater maintenance agreement being put in place between the owner and the City per Commission requirements.

cb. 2021-041 Carlson Ridge, Plymouth. This is an existing 4.82-acre residential lot located between Vagabond and Troy Lanes just north of 56th Avenue North. The property will be subdivided into 13 single-family lots. The existing residence will remain, but portions of the driveway and an outbuilding will be demolished. The Commission approved this project at their October 2021 meeting contingent upon, (1) final escrow balance determination when final unconditional approval is granted, (2) wetland impacts cannot occur until appropriate LGU and WCA approvals, and (3) long term operation and maintenance of the stormwater system is determined. The City of Plymouth has agreed to the long-term operation and maintenance of the filter basin so Items 1 and 2 are the only outstanding conditions as of this update.

HENNEPIN COUNTY

MINNESOTA

DATE: May 4, 2022

TO: Elm Creek Watershed Management Commission (ECWMC)

FROM: Kevin Ellis, Paul Stewart, and Kris Guentzel; Hennepin County Department of Environment and Energy

RE: March ECWMC Updates

Project / Program Updates

13861 129th Ave N., Dayton

Landowner requested scaled up version of manure bunker plans (20 feet x 20 feet with a 6-foot apron). Hennepin County met with Houston Engineering to request an updated plan set for a 20 x 20 manure bunker with a 6-foot apron. This project is ready to start construction as soon as these plans are returned and approved.

22835 County Road 10, Corcoran

Hennepin County is entering the contracting process for livestock exclusion fencing that will be constructed alongside a stream and wetland. Construction is ready to begin as soon as the contract is approved.

9945 Sundance Road

Landowner has received quote for exclusion fencing to keep cattle out of Rush Creek, barn gutters, and pasture waterers for livestock. Project has moved into the contracting phase. Construction for this project is expected to begin in late Spring or early Summer 2022.

9310 Bechtold Road

Hennepin County staff met with engineer from Houston Engineering to discuss potential BMPs that could be implemented. More data was requested including survey data. Staff are currently delineating drainage area and determining the flow of water to see if there are any upstream projects that can be done to help reduce drainage problems.

Buffer Inspection

Buffer inspection will start in June and run through September, weather dependent. The priority area in our tri-cycle of inspections will be the southern end of the watershed.

[Lake Pledge website and app for aquatic invasive species prevention](#)

In 2021, county staff and three lakes in Maple Grove piloted an exciting and innovative AIS prevention website for lakeshore homeowners! Since then, eight lakes have started the program with the majority of outreach occurring neighbor to neighbor and from lake association members. Their goal is to have 90% of landowners on lakeshore properties learn more about how they can prevent aquatic invasive species, “take the pledge”, and obtain Legendary status.

Participating lakes include Weaver, Fish, Cedar Island from 2021, and new for 2022, Mitchell, Bush, Riley, Long, Independence, Sarah with more to be announced in the future.

County staff are excited to make this resource (now available as a website or mobile app) available to any interested lakes in Hennepin County beginning in 2022. This educational tool will help lakeshore homeowners make their lakes “Legendary” in the basics of AIS prevention and individuals can receive gamification trophies. Lake Pledge testers stated, “So innovative and simple...took me 15 minutes to do” “I’m sure the lakeshore owners will be proud and recognize the value this adds to their lives.” and “Super cool, video messages are great.”

The site reports on the percentage of homes participating on each lake. Congratulations to Weaver Lake who has taken the early lead!

[Hennepin County Soil Health Incentive Program](#)

Hennepin County has funding and support to promote soil health. Effective practices such as planting cover crops and reducing tillage are eligible for the new soil health incentive program. The program pays for soil testing and analysis, membership to the Minnesota Soil Health Coalition, technical assistance, mentorship and support from other farmers implementing soil health measures. In addition, the program also provides payments to farmers working to improve their soils through cover cropping, diverse crop rotations, and reduced, strip or no till practices. The program is open to all agricultural land operators in the county and can be used in conjunction with NRCS or crop retail programming. See the attached flyer below for more details.

For more information, contact Paul Stewart at paul.stewart@hennepin.us or 612-272-1888.



Hennepin County has funding and support to promote soil health. Effective practices such as planting cover crops and reducing tillage are eligible for the new soil health incentive program. Farmers who improve soil health see many benefits: stabilized soils, improved soil fertility, reduced need for inputs, and yields become more consistent and sustainable over time.

There are several ways to improve soil health, and every farm is different – what’s right for one farm might not be right for the one next door. Three common ways are reducing tillage, adding cover crops, and adding diversity to the crop rotation.

Basic participation requirements for all participants

- Soil testing and analysis before, during, and after participation (paid by the program)
- Membership to the Minnesota Soil Health Coalition (paid by the program)
- Work with a soil health “mentor”—another grower experienced in implementing soil health practices, provided by the Minnesota Soil Health Coalition
- Program meeting with other participants to share lessons-learned and troubleshoot challenges
- Work with county staff to develop and follow a site-specific Soil Health Improvement Plan that will guide practices that are eligible for incentive payments

Type of soil health practice	Incentive payments (per acre per year)	Operation, maintenance, and reporting requirements
Cover crops	<ul style="list-style-type: none"> • Single species 1 year: \$30 • Multi-species 1 year: \$45 • Single species 3 years: \$40 • Multi-species 3 years: \$55 	<ul style="list-style-type: none"> • Growing season documentation of cover crop growth • Records related to seeding and termination
Tillage practices RT=reduce till ST=Strip till NT=No till	<ul style="list-style-type: none"> • RT 1 year: \$7 • ST 1 year: \$10 • NT 1 year: \$13 • RT 3 years: \$11 • ST 1 years: \$14 • NT 3 years: \$17 	<ul style="list-style-type: none"> • Tillage tool inspection • Records related to passes and timing • Field verification of residue
Crop rotation	<ul style="list-style-type: none"> • Basic rotation organic or non-organic \$9 • Specialty crop organic or non-organic \$23 	<ul style="list-style-type: none"> • The crop rotation shall include a minimum of two different crops; a cover crop is considered a different crop. • Evaluate the rotation and the crop sequence to determine if the planning system is meeting the planned purposes.

Eligible recipients

Any Hennepin County farmland landowner or farm operator (someone who produces an agricultural produce for a market) can initiate a project

Application timeline

Continuous – participants must sign a form affirming desire to participate before being program eligible

Landowner match

Incentive payments are intended to reduce, but not eliminate the risk of trying something new – you very likely will have additional operational costs, but there is not required “match” in order to receive the incentive payment.

Other notes and considerations:

- Contract amounts may be limited by interest in the program and funding available to the incentive program
- Incentive payments are intended to reduce risk of the implementation of NRCS practice codes listed above that will have environmental benefit to soil and water resources – they will not be paid to support “status quo” practices of crop systems that already exist. Hennepin County staff have the sole discretion to determine if a proposed project represents an operational change warranting an incentive payment.
- Incentive payments can be stacked with other State or Federal programming when applicable.
- In a case where the farmland owner and the farmland operator are different, both people will need to be aware of and supportive of a project.

Contact us today

Staff is available to help you with best soil health practices and answer any questions related to the grant and application process.

Learn more at hennepin.us or contact Paul Stewart, paul.stewart@hennepin.us or 612-272-1888

34-417-00-21

Project timeline

Seeing the operational and financial benefits of building soil health takes time – we strongly encourage making at least a three-year commitment to trying new practices, but minimum contract length is one year.

Reporting requirements

- One growing season check-in to review plan, discuss any necessary adjustments
- One post-harvest check-in to review challenges and opportunities



To: Elm Creek WMO Commissioners/TAC

From: Diane Spector

Date: May 4, 2022

Subject: Elm Creek Watershed Impaired Waters Status

**Recommended
Commission Action**

For information.

I attended the MPCA/DNR Mississippi River - Twin Cities HUC 8 Watershed Professional Judgement Group (PJG)– WEST meeting on 4/28/22. This is a step in the process where the MPCA and DNR's watershed assessment team reviews water quality and other data to determine which streams and lakes are meeting or exceeding state standards, as well as identifying where more information is needed. The purpose of the PJG meeting is to take local and public input on potential new impairments, new delistings, those waterbodies that are recognized as nearly or barely impaired, and those that are vulnerable. This includes assessment results from monitoring chemical parameters as well as from biological monitoring of aquatic invertebrates and fish. The MPCA will use this information to develop and submit to the EPA a new draft Impaired Waters list, which is several steps further down the road in the process.

For Elm Creek there is some good news and some not so good news.

- The MPCA is proposing a new impairment listing on Elm Creek – TSS. While this is a new impairment listing, recall that TSS was a primary biotic stressor, and as such the watershed wide TMDL includes a TMDL and load reductions for TSS in Elm Creek. MPCA staff indicated there will likely be no actions necessary by the watershed or MS4s, it will likely just be some paperwork on their end to associate this new impairment with the in-place TMDL. So new impairment but no new action will likely be required.
- Rice Lake was diagnosed with moderately elevated chloride concentrations. No impairment, just for information and consideration.
- Fish Lake was noted to be now meeting the TP and Secchi standard, but still experiencing elevated chl-a, and there was a question as to whether it should be delisted at this time. I was able to provide some background to the PJG about the alum treatment and carp management activities that are ongoing, and that there was active management and oversight by the city, 3 Rivers, and the watershed. That was sufficient for the group to feel comfortable recommending that Fish Lake be proposed for delisting for nutrients. Yay! Unfortunately, there is a new impairment proposed for Fish: Fish IBI. (ironic) I have a little information about which of the fish metrics seem to contribute to the low score, but the more complete actual IBI data can be readily obtained when it comes time to figure out what if anything to do about it.

- Two other lakes fall into the “vulnerable” category, which while not impairments are indications that some attention should be given to them and that there may be an impairment in the future: Weaver Lake, for Fish IBI, and Jubert Lake for nutrients. I did provide the PJG with info about the BMP work Hennepin County is doing with landowners around Jubert Lake, and they added that to the information record.
- And finally, there will likely be one technical correction proposed in this watershed. Diamond Creek was listed as impaired for macroinvertebrate IBI and included in the watershed wide TMDL. Since that listing, the MPCA has made some slight revisions to their IBI formula, and they went back and re-scored the assessments in this area. Diamond Creek, which was slightly below the impairment threshold, now scores slightly above the threshold and will be removed from the Impaired Waters Inventory as a technical correction.

To: Elm Creek WMO Commissioners

From: Diane Spector

Date: May 4, 2022

Subject: WBIF Convene Committee Report

Recommended Commission Action	For information.
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The Watershed Based Implementation Funding (WBIF) committee met for its second convene meeting on April 25, 2022. In attendance were Steve Christopher (BWSR), and city representatives Heather Nelson (Champlin) and Nico Cantarero (Dayton), with Commission chair Doug Baines joining toward the end of the meeting. Hennepin County representative Kris Guentzel was not able to attend.

The group reviewed potential actions identified for possible funding, including projects programmed in the CIP for the next few years, TMDL actions such as lake internal load feasibility studies or aquatic vegetation/rough fish management, and education and outreach options.

Spector noted that WMWA had been working with Hennepin County staff about the possibility of a shared staff member that could provide education and outreach within the four WMWA watersheds. The County was fleshing out the possibilities and what the cost would be, which they thought would be in the vicinity of \$100,000 per year. The expectation is that this staff person would be available to provide targeted workshops, on-site consultations, and targeted outreach on various water quality topics. It is possible that this could be developed in tandem with Metro Blooms to incorporate their expertise, especially in outreach to underserved groups. The group generally favored reserving funds for education and outreach in the \$25,000-30,000 funding range.

The group also discussed funding actions that would identify more projects that could then be incorporated into future capital projects for funding by grants and levy. This includes undertaking additional subwatershed assessments and also looking at funding stream assessments in areas of known instability or ongoing erosion issues. The group requested Spector to summarize completed SWA and stream stabilization work and where the next priority areas might be and the cost of undertaking this work for reference at the next convene meeting.

The group identified as the third funding priority, additional funding for agricultural and large-lot rural residential outreach and potential cost-share projects through Hennepin County. Spector will request Hennepin County to provide a ballpark estimate of the amount that could reasonably be expended by the end of 2025 and where the priority areas for implementation would be.

In summary, the priority areas for funding to be discussed in more detail at the next convene meeting are:

1. General education and outreach in potential partnership with Hennepin County
2. One or more additional SWAs in priority areas
3. Streambank assessments to identify future stream stabilization needs
4. Targeted outreach and cost-share to agricultural and large-lot rural residential properties