



Title: Permit 24-208: 20555 & 20565 Linden Road Project

Prepared by: Name: Veronica Sannes, Permitting Technician
Phone: 952-641-4580
vsannes@minnehahacreek.org

Recommendation:

Approval of MCWD permit with the condition of payment of permit application, mailing, and engineering review fees.

Summary:

M T Laught LLC (Applicant) has applied for a Minnehaha Creek Watershed District (MCWD) permit for grading and floodplain alteration on two parcels resulting from the subdivision of 20565 Linden Road in the City of Deephaven. This existing parcel is being subdivided into two lots: 20555 and 20565 Linden Road. The applicant proposes to engage in grading and floodplain alteration on both new lots, and to construct a single-family home on the new 20565 Linden Road lot (Project). The Applicant indicates an intent to construct on the 20555 lot as well, in the future. Home construction on that lot is not encompassed by this permit. The Applicant will need to apply for a permit at the time of construction at 20555, as applicable.

The Project triggers MCWD's Erosion Control, Wetland Protection, and Floodplain Alteration rules. Because the permit application was submitted May 6, 2024, this application is being considered under the revised rules, which were effective April 29, 2024.

MCWD staff have reviewed the Project and concluded it meets MCWD rules listed above. This Project is before the Board of Managers due to public request by property owners within 600 feet of the Project parcel, received during the public notice period.

Background:

Proposed Project:

The Applicant is demolishing an existing single-family home at 20565 Linden Road and subdividing the 1.12-acre lot into two 0.56-acre parcels, 20555 and 20565 Linden Road. The Applicant indicates the intent to build two single-family homes, one on each parcel. The proposed home at 20565 Linden Road (southern parcel) is scheduled to be built from Summer 2024 to Summer 2025 and is encompassed within the present permit application. The second proposed home at 20555 Linden Road will be built separately, with an MCWD permit to be obtained at a later date, as applicable. Currently, it has been included as a conceptual plan for future construction. The existing hardcover for the lot is 5,539 square feet. After subdividing the parcel, the Applicant proposes a total of approximately 10,400 square feet of impervious surface over both proposed lots.

MCWD issued an Erosion Control permit on May 20, 2024 for the demolition and grading associated with the existing home. No work within the floodplain was permitted. The Applicant will then subdivide the property. Post subdivision, the Project proposes site grading and the construction of a single-family home on the southern parcel.

The Project area is located in the Lake Minnetonka subwatershed. The on-site wetland extends across both new parcels and is part of a wetland complex which ultimately drains west through storm sewers into Lake Minnetonka. If water level within the 20565 wetland reaches 932.0 feet, it discharges west into another wetland. Further ponding then occurs up to elevation 934.5 feet, at which point the water flows west into Lake Minnetonka. The wetlands are landlocked until the water reaches 934.5 feet.

Attachment A provides a project area overview and Attachment B outlines the existing and proposed site plans. The Project is also a part of a drainage study by the City of Deephaven (City). Attachment C provides a drainage area map. WSB, on behalf of the City, modeled the existing and proposed high water levels of various design storms, including both standard design events and extreme events. By city requirement, the Project will increase the floodplain storage capacity of the on-site wetland. This increase in storage capacity decreases the 100-year floodplain elevation from 929.72 feet to 929.64 feet, a 0.08-foot decrease. The Project proposes no disturbance of the wetland and establishes a 25-foot wetland buffer. The modeling indicates that the high-water levels will decrease for all evaluated design storms except the 1-year storm which is proposed to increase by 0.02 feet. This elevation, 927.15 feet, is about 3.5 feet below the low floor elevation of the home about which a neighbor has raised a flood concern (see below).

MCWD Rule Analysis:

Erosion Control Rule

An Individual Erosion Control Permit (as opposed to a General Permit) is required for a land disturbance greater than 5,000 square feet, if the proposed work requires a permit under any other MCWD rule. The proposed Project will disturb 0.65 acres, triggering Section 2(a)1 of the Erosion Control rule. The Applicant's Erosion Control Plan includes changes in grading, a rock construction entrance to minimize off-site tracking, a silt fence along the parcel perimeter, and two lines of silt fence to protect the on-site wetland from possible sedimentation. Staff reviewed the permit and has found it to be complete and compliant with all rule requirements.

Wetland Protection Rule

Section 4(a)3 of the Wetland Protection Rule states that if a New Principal Residential Structure is to be constructed that increases a site's impervious surface, the Wetland Protection Rule is triggered and requires a buffer on the part of the wetland that is downgradient of the proposed work. The Project proposes a New Principal Residential Structure on 20565 Linden Road. Under section 5(e) of the rule, the required buffer is 25 percent of the distance between the proposed residence at the point that it is nearest to the wetland and the wetland, or 25 feet, whichever is greater. In the present case, the requirement is a 25-foot buffer. The Applicant has established a 25-foot buffer around the wetland. In June 2022, MCWD approved the wetland boundary and type. The boundary on the proposed plans is concurrent with the boundary from the 2022 Notice of Decision. The site plans also show the proposed wetland buffer monuments along the buffer edge. Since no disturbance is proposed within the wetland buffer and has presently established vegetation, a Planting Plan is not required. A Maintenance Declaration has been recorded to establish the wetland buffer. Staff reviewed the declaration before recording, and found it to be complete and compliant with all rule requirements.

Floodplain Alteration Rule

The Floodplain Alteration rule is triggered when a project proposes to fill, excavate, or grade below the 100-year floodplain of a waterbody. The Project proposes excavation and fill within the 100-year floodplain, thus triggering Section 2 of the rule. MCWD requires no net fill below the 100-year floodplain and that the low opening for new residential structures be a minimum of 2 feet above the 100-year floodplain elevation. The 100-year floodplain elevation for this wetland was modeled by WSB for the City of Deephaven and found to be 929.72 feet. The Project proposes 20.9 cubic yards of fill and a cut of 252.6 cubic yards, resulting in an increase of 231.7 cubic yards in floodplain storage and no net fill. The low opening elevations for the proposed building is 934.97 feet which is 5.25 feet above the 100-year floodplain, exceeding the 2-foot freeboard requirement. Staff reviewed the permit and has found it to be complete and compliant with all rule requirements.

Stormwater Management Rule

The proposed Project does not trigger the Stormwater Management Rule due to the applicability of Section 2(b)1. Section 2(b)1 states that even if a project is subject to paragraph 2(a), if the project proposes a single-family residential development on an existing lot of record with less than one acre of new and reconstructed impervious surface, the project does not require a Stormwater Management permit. The Project proposed a single-family home and the proposed area of new and reconstructed impervious surface is 0.11 acres. Therefore, the Project does not trigger the Stormwater Management rule.

Public Request for Board Review:

During the public notice period (Attachment D) that started June 3rd and concluded June 17th, MCWD received 3 public comments (See Attachment E). The following concerns have been raised by nearby property owners:

1. Increased flood risk to nearby property
2. Negative impacts to the on-site wetland
3. Construction traffic and noise
4. Increased insect population

MCWD staff and the MCWD Engineer reviewed the public comments and assessed these concerns. The following outlines MCWD response to address each of these concerns received during the public comment period.

Nearby Flooding

The property owners of 20652 Bayview Court, through their attorney Larkin Hoffman, express a concern about increased flood risk to homes and backyards as a result of the Project. The concern rests on a report prepared by their consultant, Loucks Inc. Due to a walkout basement elevation of 930.6 feet, the property would be flooded by 1.96 feet in the event of a 10-day snowmelt and by 3.29 feet in the event of two back-to-back 100-year storm events. The proposed 100-year high water elevation is 929.64 feet, which is below the 20652 Bayview Court lowest floor elevation of 930.6 feet by just under one foot and is a slight reduction of the existing 100-year elevation.

The MCWD Stormwater Management Rule doesn't apply to this application, and the flood elevation criteria of the MCWD floodplain alteration rule apply only to new structures, not existing structures. That said, modeling by the City of Deephaven indicates that despite the increase in impervious surface from the construction of the additional home, the Project's increased floodplain storage will maintain or decrease floodplain elevations for all analyzed precipitation events. For the 1-year storm event, the proposed high water level elevation is 927.13 feet, over 3 feet lower than the basement walkout elevation at 20652 Bayview Court. While concerns about flood risk are acknowledged, they fall outside the scope of MCWD rules and the modeling done by the City of Deephaven indicates that the Project would slightly reduce the flood risk for 20652 Bayview Court.

Hydrologic and Hydraulic modeling of this nature is not intended to calculate the absolute value of localized water elevations, but instead is intended to be used to understand relative changes between the existing and proposed condition. The modeling completed by the City/WSB in May of 2023 was based on a previous iteration of the development plans for the subdivision (dated February 2023), which presumably is the reason why the modeling accounts for 1,767 square feet more impervious surface than is depicted on the current version of the plans. Furthermore, the modeling completed by the City assumes the proposed earthwork on the site will result in 5,525 cubic feet of increased floodplain storage between elevations 926.0 feet and 929.72 feet, which is less than the floodplain storage creation indicated on the current site plans (6,256 cubic feet). Therefore, the resulting relative differences in water levels of the wetland resulting from the City's modeling are considered to be conservatively high. Summaries prepared by the City reference slightly different high water level elevations than are contained in the reviewed modeling, though the net difference in water level elevations between existing and proposed conditions follow similar trends in that the proposed condition levels are less than existing conditions levels for all analyzed events except the 1-year.

Wetland Protection

Concerns were raised by nearby property owners regarding the project having a negative impact on the wildlife habitat of the on-site wetland. MCWD's policy is to protect and enhance the quantity, quality and biological diversity of wetlands within the watershed by limiting direct and indirect impacts. The Project proposes no work within or disturbance of the wetland or the wetland buffer. The Project establishes a wetland buffer to protect the onsite wetland and protects the wetland from any sedimentation during construction by using two silt fences around the wetland.

Construction Interference

The concern regarding construction noise and increased construction traffic is outside of MCWD regulatory scope.

Increased Insect Population

A nearby property owner expressed concern over the phone that expanding the floodplain storage for the wetland will result in an increase in insect breeding habitat. The Project proposes additional floodplain storage but does not propose to alter the size or characteristics of the wetland. The MCWD floodplain alteration rule requires only that there not be net fill placed in a floodplain. Any concerns as to the effect of increasing floodplain storage would be addressed to the city.

Summary:

The Applicant has applied for a Minnehaha Creek Watershed District permit under the Erosion Control, Wetland Protection, and Floodplain Alteration rules.

Based on staff and the MCWD Engineer analysis of the Applicant's submittals, the application meets the criteria of all rules triggered.

Staff recommends approval of the permit application with the conditions listed at the beginning of this report.

Attachments:

- A. Site Area Map
- B. Existing and Proposed Site Plans
- C. Drainage Area Map
- D. Public Notice
- E. Public Comments

Attachment A – Site Area Map



20565 Linden Road

0.3 mi

Attachment B – Existing and Proposed Site Plans

ALTA/NSPS LAND TITLE SURVEY

LEGAL DESCRIPTION:

All of Lot 3, and that part of Lot 4, Block 3, Deephaven Heights, lying North of line described as follows: Commencing at the Northwest corner of said Lot 4, Block 3, Deephaven Heights, thence Southeasterly along a line extending to a point in the Southerly line of Lot 5 in said Block 3 distant 208.5 feet Easterly, measured along said Southerly line, from the Southwesterly corner of said Lot 5 to the intersection with a line 197 feet Southerly of, measured at right angles to, and parallel with the North line of said Lot 3; thence Easterly along the last mentioned line to a point therein distance 207.42 feet Easterly from the West line of said Lot 4; thence Northeasterly to the point of intersection of the Northeasterly line of said Lot 4 with a line 150 feet Southerly of measured at right angles to, and parallel with the North line of said Lot 3, and there terminating, according to the plat thereof on file or of record in the office of the Register of Deeds, in and for Hennepin County, Minnesota.

STANDARD SYMBOLS & CONVENTIONS:

"●" Denotes iron survey marker, set, unless otherwise noted.

NOTES AND LIMITATIONS:

1. Note that this survey is a Land Title Survey and is NOT intended to be used for anything but a Land Title Survey.
2. There was no evidence of recent earth work, building construction or building additions.
3. There were no plottable offsite easements in the title commitment, therefore none are shown.

CERTIFICATION:

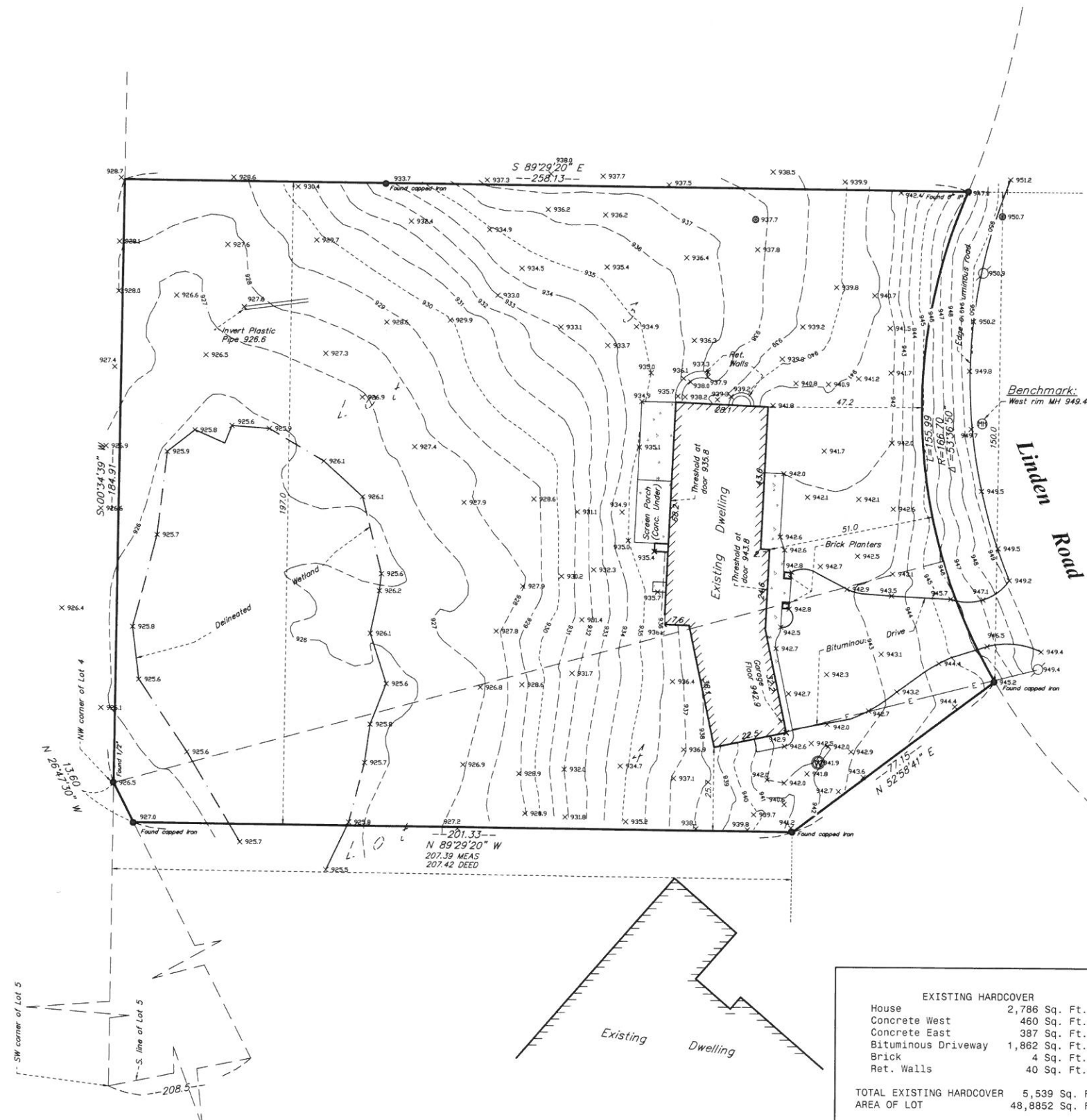
To: CHB Title, LLC and Old Republic National Title Insurance Company,

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 5, 8, 16 and 18 of Table A thereof. The fieldwork was completed on: May 2, 2022

May 3, 2022, 
Thomas M. Bloom P.S. No. 42379 - tom@advsur.com

SCHEDULE B - SECTION II EXCEPTIONS AS PER TITLE COMMITMENT FILE NO. 55864:

No documents are listed in the title commitment that are survey related.



LEGEND	
	= CATCH BASIN
	= GAS METER
	= FIRE HYDRANT
	= POWER POLE
	= MANHOLE
	= TELEPHONE PED.
	= ELEC. TRANSFORMER
	= WELL
	= GATE VALVE
	= LIGHT POLE
	= TREE
	= FENCE LINE
	= SANITARY SEWER LINE
	= WATER LINE
	= GAS LINE
	= STORM DRAIN LINE
	= OVERHEAD UTILITY LINE
	= CONCRETE SURFACE

EXISTING HARDCOVER	
House	2,786 Sq. Ft.
Concrete West	460 Sq. Ft.
Concrete East	387 Sq. Ft.
Bituminous Driveway	1,862 Sq. Ft.
Brick	4 Sq. Ft.
Ret. Walls	40 Sq. Ft.
TOTAL EXISTING HARDCOVER	5,539 Sq. Ft.
AREA OF LOT	48,882 Sq. Ft.
PERCENTAGE OF HARDCOVER TO LOT	11.3%

<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>DATE</th> <th>REVISION DESCRIPTION</th> </tr> </thead> <tbody> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </tbody> </table>	DATE	REVISION DESCRIPTION									<p>DRAWING ORIENTATION & SCALE</p> 	<p>SITE ADDRESS</p> <p style="text-align: center;">20565 LINDEN ROAD, DEEPAHVEN, MN</p>	<p style="text-align: center;">Advance Surveying & Engineering, Co.</p> <p style="text-align: center; font-size: small;">17917 Highway 7 Minnetonka, Minnesota 55345 Phone (952) 474-7964 Web www.advsur.com</p>	<p>VICINITY MAP</p>	<p>DATE SURVEYED: MAY 2, 2022</p> <p>DATE DRAFTED: MAY 3, 2022</p>	<p>SHEET TITLE</p> <p style="text-align: center;">ALTA/NSPS LAND TITLE SURVEY</p> <p>DRAWING NUMBER</p> <p style="text-align: center;">220586 TB</p>	<p>SHEET SIZE 22 X 34</p> <p>SHEET NO.</p> <p style="font-size: 2em; text-align: center;">S1</p> <p style="text-align: right; font-size: x-small;">SHEET 1 OF 1</p>
DATE	REVISION DESCRIPTION																

GRADING & EROSION CONTROL NOTES:

BEFORE DEMOLITION AND GRADING BEGIN

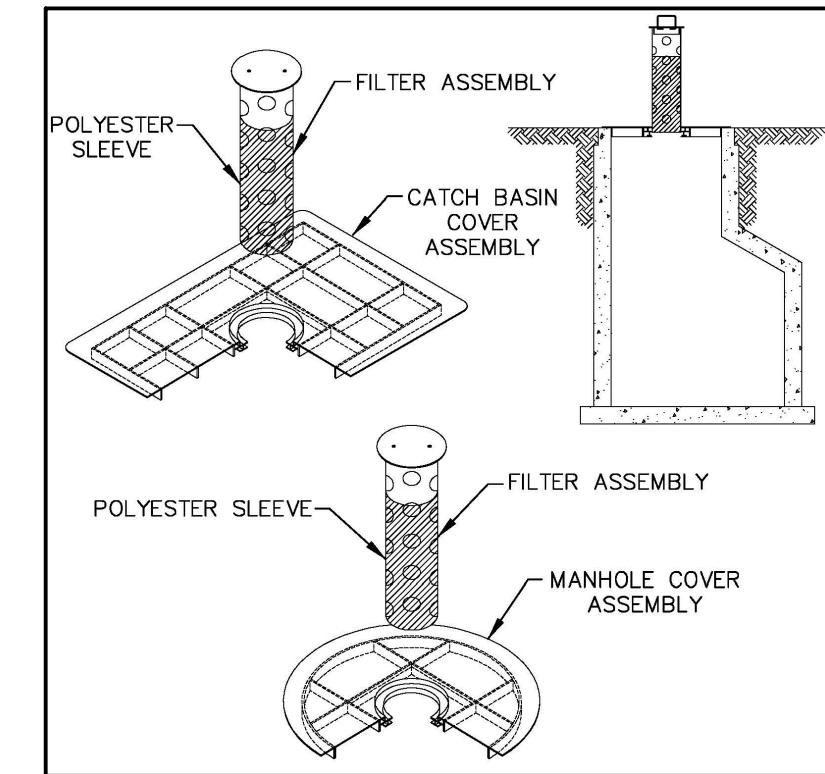
- Install silt fence/bio roll around the perimeter of the construction area.
- Applicant shall notify the City upon completing the installation of all temporary property line and silt fencing. The applicant shall not proceed with site activity until the City has been notified and allowed two full business days to inspect the site and, as necessary, confer with the applicant. The City will verify that perimeter sediment controls are in place during the inspection.
- Sediment control measures must remain in place until final stabilization has been established and then shall be removed. Sediment controls may be removed to accommodate short term construction activity but must be replaced before the next rain.
- A temporary rock construction entrance shall be established at each access point to the site and a 6 inch layer of 1 to 2 inch rock extending at least 50 feet from the street into the site and shall be underlain with permeable geotextile fabric. The entrance shall be maintained during construction by top dressing or washing to prevent tracking or flow of sediments onto public streets, walks or alleys. Potential entrances that are not so protected shall be closed by fencing to prevent unprotected exit from the site.
- Contractor shall install inlet protection on all existing storm sewer inlets in accordance with the city standard details. Inlet protection shall also be provided on all proposed storm sewer inlets immediately following construction of the inlet. Inlet protection must be installed in a manner that will not impound water for extended periods of time or in a manner that presents a hazard to vehicular or pedestrian traffic.

DURING CONSTRUCTION:

- When dirt stockpiles have been created, a double row of silt fence shall be placed to prevent escape of sediment laden runoff and if the piles or other disturbed areas are to remain in place for more than 14 days, they shall be seeded with Minnesota Department of Transportation Seed Mixture 22-111 at 100 lb/acre followed by covering with spray mulch.
- A dumpster shall be placed on the site for prompt disposal of construction debris. These dumpsters shall be serviced regularly to prevent overflowing and blowing onto adjacent properties. Disposal of solid wastes from the site shall in accordance with Minnesota Pollution Control Agency requirements.
- A separate container shall be placed for disposal of hazardous waste. Hazardous wastes shall be disposed of in accordance with MPCA requirements.
- Concrete truck washout shall be in the plastic lined ditch and dispose of washings as solid waste.
- Sediment control devices shall be regularly inspected and after major rainfall events and shall be cleaned and repaired as necessary to provide downstream protection.
- Streets and other public ways shall be inspected daily and if litter or soils has been deposited it shall be removed within 24 hours.
- If necessary, vehicles, that have mud on their wheels, shall be cleaned before exiting the site in the rock entrance areas.
- Moisture shall be applied to disturbed areas to control dust as needed.
- Portable toilet facilities shall be placed on site for use by workers and shall be properly maintained.
- If it becomes necessary to pump the excavation during construction, pump discharge shall be into the stockpile areas so that the double silt fence around these areas can filter the water before it leaves the site.
- All water from dewatering or basin-draining activities must be discharged in a manner that does not cause erosion or scour in the immediate vicinity or cause significant and adverse inundation of wetlands in the immediate vicinity.
- Temporary erosion control shall be installed no later than 14 days after the site is first disturbed and shall consist of broadcast seeding with Minnesota Department of Transportation Seed Mixture 22-111 at 100 lb/acre followed by covering with spray mulch.
- Erosion control measures shown on the erosion control plan are the absolute minimum. The contractor shall install temporary earth dikes, sediment traps or basins and additional silt fencing as deemed necessary to control erosion.
- Contractor shall be responsible for installation, inspection and maintenance of erosion and sediment control practices.
- Steep slopes (slopes that are 3:1 (H-V) or steeper) require temporary stabilization with erosion control blankets.
- Steep slopes (3:1 (H-V) or steeper) shall have temporary or permanent cover within 7 days.

SITE WORK COMPLETION:

- When final grading has been completed but before placement of seed or sod an "as built" survey shall be done per City of Deephaven requirements to insure that grading was properly done.
- When any remedial grading has been completed, sod or seeding shall be completed including any erosion control blankets for steep areas.
- When turf is established, silt fence and inlet protection and other erosion control devices shall be disposed of and adjacent streets, alleys and walks shall be cleaned as needed to deliver a site that is erosion resistant and clean.
- Contractor shall maintain positive drainage of a minimum 2% slope away from proposed building.



TEMPORARY WIMCO INLET PROTECTION (OR APPROVED EQUAL)

NO SCALE

EXISTING HARDCOVER-SOUTH PARCEL		PROPOSED HARDCOVER-SOUTH PARCEL	
HOUSE	2,189 SQ. FT.	HOUSE	2,861 SQ. FT.
FRONT WALK/PORCH	387 SQ. FT.	FRONT PORCH	134 SQ. FT.
DRIVEWAY	1,862 SQ. FT.	DRIVEWAY	1,508 SQ. FT.
REAR CONCRETE	199 SQ. FT.	SCREEN PORCH	358 SQ. FT.
RETAINING WALLS	4 SQ. FT.	A/C PAD	9 SQ. FT.
		RETAINING WALL	23 SQ. FT.
TOTAL EXISTING HARDCOVER	4,641 SQ. FT.	TOTAL PROPOSED HARDCOVER	4,893 SQ. FT.
AREA OF LOT	24,343 SQ. FT.	AREA OF LOT	24,343 SQ. FT.
LOT COVERAGE	19.1%	LOT COVERAGE	20.1%

STORMWATER MANAGEMENT REQUIREMENTS - SOUTH PARCEL

- NO STORMWATER MANAGEMENT REQUIRED DUE TO TOTAL PROPOSED HARDCOVER TABULATION BELOW CODE REQUIREMENT OF 25% MAXIMUM LIMIT.

WETLAND STORAGE CAPACITY CALCULATION TO EMERGENCY OVERFLOW (EOF)

EOF FOR WETLAND (PER CITY) = 934.0

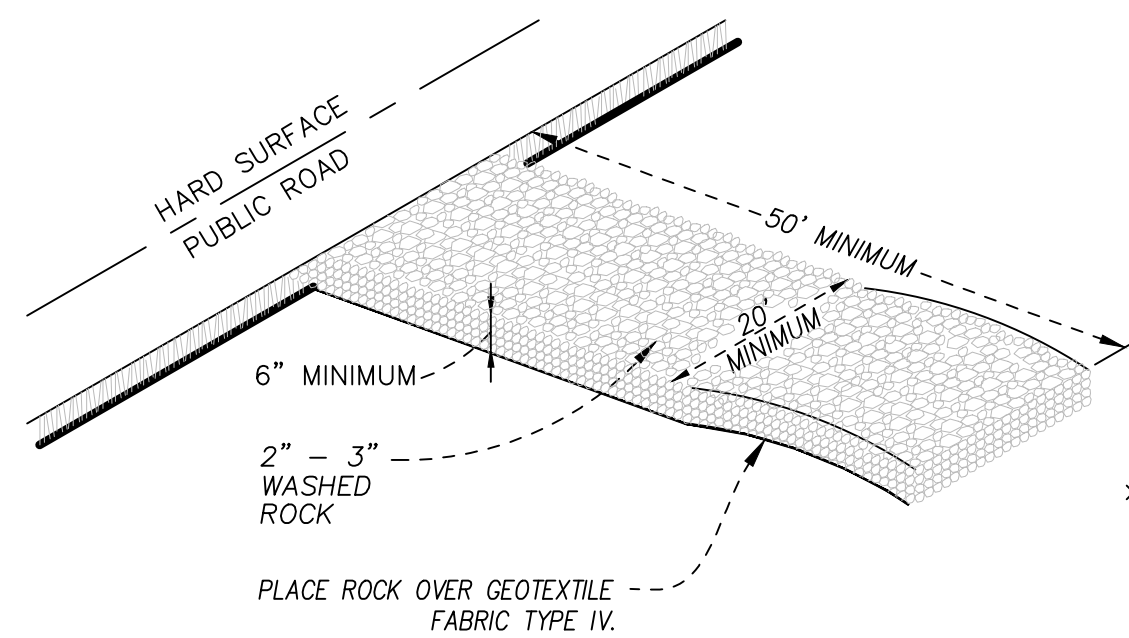
- EXISTING STORAGE CAPACITY = 358,360 CUBIC FEET
- PROPOSED STORAGE CAPACITY = 363,534 CUBIC FEET

PROPOSED ADDITIONAL STORAGE PROVIDED FOR WETLAND AT EMERGENCY OVERFLOW = 5,174 CUBIC FEET*

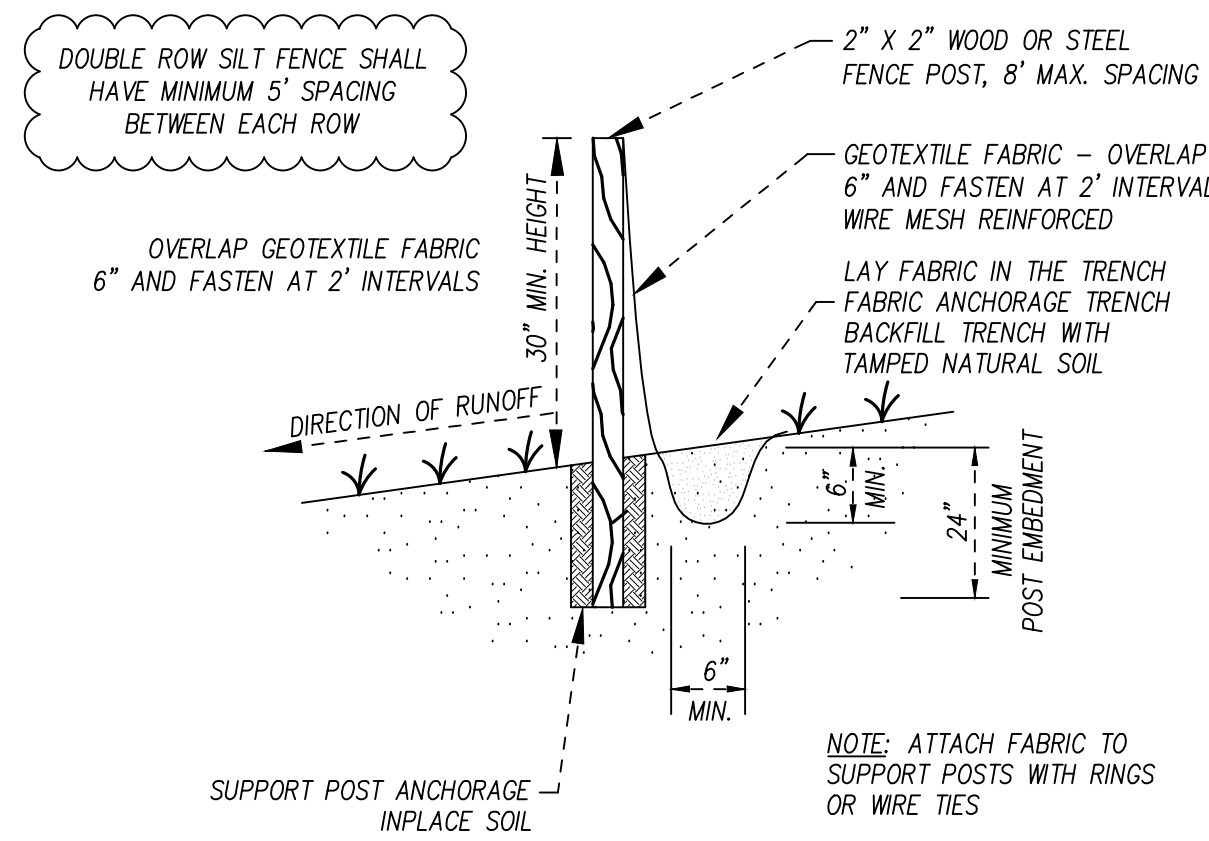
* (ADDITIONAL STORAGE TO PROVIDE IS BASED ON CITY MODELING OF EXISTING REGIONAL STORMWATER CONDITIONS AND PROPOSED SITE CONDITIONS. CITY REQUIRED 4,500 CUBIC FEET OF ADDITIONAL STORAGE IN WETLAND AREA TO ACCOUNT PROPOSED SITE ADDED IMPERVIOUS AREAS)

FLOODPLAIN CUT/FILL TOTALS TO ELEVATION (929.72)

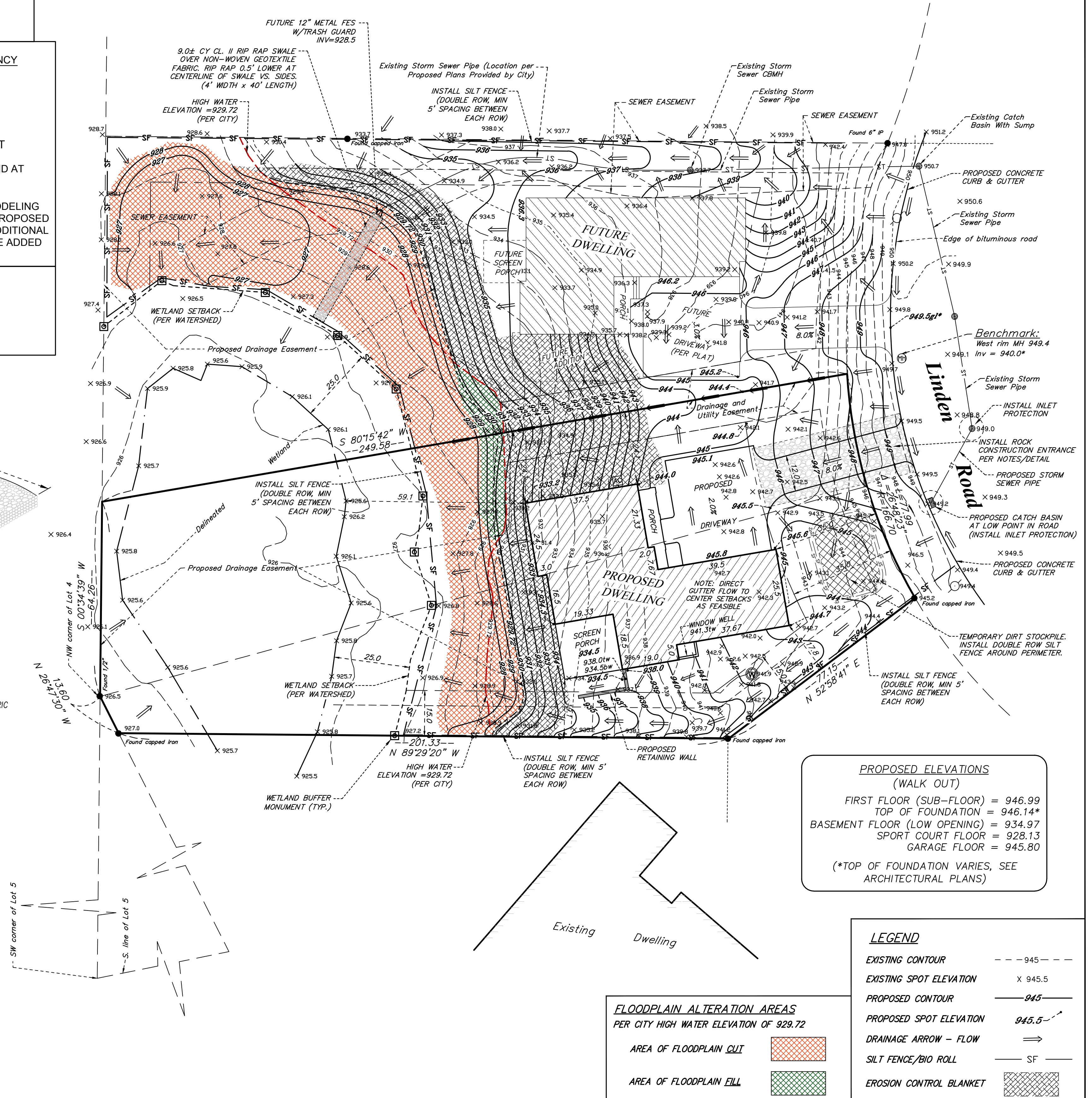
- TOTAL CUT = 6,819 CUBIC FEET
- TOTAL FILL = 563 CUBIC FEET



ROCK CONSTRUCTION ENTRANCE
NO SCALE



SILT FENCE
NO SCALE



PROPOSED ELEVATIONS (WALK OUT)

FIRST FLOOR (SUB-FLOOR)	= 946.99
TOP OF FOUNDATION	= 946.14*
BASEMENT FLOOR (LOW OPENING)	= 934.97
SPORT COURT FLOOR	= 928.13
GARAGE FLOOR	= 945.80

(*TOP OF FOUNDATION VARIES, SEE ARCHITECTURAL PLANS)

LEGEND

EXISTING CONTOUR	--- 945 ---
EXISTING SPOT ELEVATION	x 945.5
PROPOSED CONTOUR	— 945 —
PROPOSED SPOT ELEVATION	945.5
DRAINAGE ARROW - FLOW	⇒
SILT FENCE/BIO ROLL	SF
EROSION CONTROL BLANKET	[Pattern]

FLOODPLAIN ALTERATION AREAS
PER CITY HIGH WATER ELEVATION OF 929.72

AREA OF FLOODPLAIN CUT	[Red Hatched]
AREA OF FLOODPLAIN FILL	[Green Hatched]

DATE	REVISION DESCRIPTION	DRAWING ORIENTATION & SCALE	CLIENT NAME / JOB ADDRESS
5-30-24	PER CITY COMMENTS		<p>LUCID BUILDERS 20565 LINDEN ROAD DEEPHAVEN, MN</p>

Advance
Surveying & Engineering, Co.

17917 Highway 7
Minnetonka, Minnesota 55345
Phone (952) 474-7964
Web: www.advsur.com

I HEREBY CERTIFY THAT THIS PLAN, SURVEY OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

Thomas M. Bloom
Thomas M. Bloom
42379
LICENSE NO.
MAY 15, 2024
DATE

DATE SURVEYED: MAY 2, 2022

SURVEYED BY:
THOMAS M. BLOOM, PLS. #42379
ADVANCE SURVEYING & ENG., CO.

DATE DRAFTED: MAY 15, 2024

SHEET TITLE
PROPOSED SURVEY

DRAWING NUMBER
240541 JR

SHEET SIZE 22 X 34

SHEET NO.
S1

SHEET 1 OF 1

Attachment C – Drainage Area Map



Storm Sewer

- Existing Catchbasin
- ▲ Existing Flared End Section
- Existing Manhole
- Existing Pipe
- Surveyed Point
- ▭ Drainage Area
- ▭ Wetland

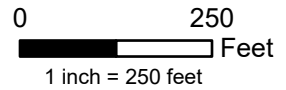
Contours

- 10 ft
- 2 ft



Drainage Map

Linden Road Drainage Study
Deephaven, MN



Attachment D – Public Notice



The Minnehaha Creek Watershed District (MCWD) is reviewing a permit application for work within 600 feet of your property. M T Laught LLC is proposing two single family homes at 20555 & 20565 Linden Road in Deephaven. MCWD regulates the project under our Erosion Control, Floodplain Alteration, and Wetland Protection rules.

Contact Veronica Sannes with questions or concerns regarding the permit at vsannes@minnehahacreek.org

Permits are reviewed by staff for compliance with District rules. Interested parties may request that the permit be considered by the MCWD Board of Managers. Requests for board consideration must be submitted to Veronica by email prior to 4:30pm on June 17, 2024.

**www.minnehahacreek.org
15320 Minnetonka Boulevard, Minnetonka 55345**



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**www.minnehahacreek.org
15320 Minnetonka Boulevard, Minnetonka 55345**

Attachment E – Public Comments



8300 Norman Center Drive
Suite 1000
Minneapolis, MN 55437-1060
General: 952-835-3800
Fax: 952-896-3333
www.larkinhoffman.com

June 14, 2024

Minnehaha Creek Watershed District
Attn: Veronica Sannes
15320 Minnetonka Blvd.
Minnetonka, MN 55345

SENT BY EMAIL ONLY
(vsannes@minnehahacreek.org)

Re: Permit Application 24-208 – Lucid Builders
20565 and 20555 Linden Road, Deephaven, MN 55331 (the “Subject Property”)

Dear Ms. Sannes:

This law firm represents neighbors in close proximity to the Subject Property, including Mike and Kristina Herbst (20545 Carson Road), Holly and Carl Jones (20545 Linden Road), Mark & Terrie Sparboe (20590 Linden Road), and Scott and Ellen Krohn (20625 Bayview Court). My clients received the public notice of the permit application for the Subject Property. I understand that another neighbor has already requested, and the Watershed District has already approved, consideration of the application by the Board of Managers. My clients agree that Board consideration is appropriate for the reasons specified in the enclosed letter from the Loucks engineering firm. We look forward to addressing the board and ask to receive notice of the date and time of the hearing.

Sincerely,

/s/ Bryan J. Huntington

Bryan J. Huntington, for
Larkin Hoffman
Direct Dial:952-896-3370
Direct Fax:952-842-1747
Email: bhuntington@larkinhoffman.com

June 14, 2024

Board of Managers
James Wisker, District Administrator
Minnehaha Creek Watershed
15320 Minnetonka Boulevard
Minnetonka, MN 55345
Phone: 952-471-0590
Email: jwisker@minnehahacreek.org

**RE: Neighbors Concern of Flooding for New Home Development
20565 Linden Road,
Deephaven, Minnesota**

Dear Board of Managers:

Loucks has reviewed the project for the Linden Road property and modeling associated therewith. Under certain flood events three landlocked wetland/basins will significantly flood the basement of one home and significantly impact backyards of numerous homes. The City's consultant hydrologist, WSB, has prepared a hydrology study on the impacts for various flooding events for the three landlocked basins. Because these three basins are landlocked with no emergency overflow elevation that is lower than the lowest house opening, WSB evaluated not only the 100-year 24 hour storm event, but also 10-day snowmelt and back to back 100 year events. See attached Model Overview map showing location of the three basins.

There is particular concern the landlocked basin at the rear lot of 20565 Linden Road identified on the Model Overview map as 20565 Basin. During our review it was determined that the 20565 Basin was not an isolated basin, but three basins were hydrologically connected. The three basins are not connected by piping, but the hydrologic modeling prepared by WSB showed that some of the rainfall events result in flood elevations overtopping natural spillways. The results of stormwater ponding overtopping spillway significantly raised the flood elevations of the 20565 Basin.

Our review was based on site plan revisions dated 2-1-2023 by Advance Surveying & Engineering, engineer and surveyor, working for the developer, WSB Hydrology Modeling dated 2-7-2023 and supporting documents (Attached).

The critical issue is the home site at 20625 Bayview Court has the lowest basement elevation of the neighborhood. The hydrology model indicates that this home will flood the basement with over 3.3 feet of water with the larger storm events (see Table 1). Because the basin on the subject property has no storm outlet, any development of this site should address a potential stormwater outlet from this basin before any future development occurs.

Drainage

a) Areawide Drainage

- i) WSB hydrologically modeled three depressions, West Basin, 20565 Basin, and the South Basin as shown on the Model Overview Map. The hydrology modeled indicates that the two other basins (west and south) will overtop into the wetland on the Subject Property based on flood elevations and Emergency Overflow Elevations (EOF) identified in the field. The EOF on the south basin is approximately 938.5 per MnTOPO indicating there is no land from the south pond which drains to a low wetland area near Minnetonka Boulevard that also may be landlocked. The EOF on the west basin is approximately 934.5 per MnTOPO which would drain to Lake Minnetonka.

b) 20565 Wetland and Flood Elevation

- i) As seen by Table 1 the modeling evaluating the three basins show that the 10-day snowmelt and two back to back 100 years storms will flood the basement of the 20625 Bayview Court.
- ii) Because the wetland/flood basin on the Subject Property has no positive outlet, the only way for the water to drawn down between events is mostly by infiltration into the soils. During snowmelt, the ground is frozen and will prevent infiltration. Also, spring rains, prior to the snowmelt, increase the runoff volumes that an basin which has no outlet will flood. When multiple large rainfall events occur within a few days of each other, the basins do not have enough time for reducing the volume of standing water from the first rainfall by infiltration into the soil. Therefore, the next rainfalls have to pond its water on top of the previous ponded area. Hence, the 2-100 year storm analysis predicts the outcome when multiple storms occur in a few days of occurrence.
- iii) Without clear understanding of the water infiltration rate into the underlying soil of 20565 Basin, it is hard to predict what the normal water level of the wetland would be prior to a 100-year event. If there are consecutive rainfalls or a prior rainfall that creates a pool of water 2.2 feet of standing water in the 20565 Basin to an elevation of 928.2, and then a 100-year flood occurs, the 100-year flood would rise to the 930.6 (the elevation of the lowest basement elevation). A better understanding of the normal water elevation prior to a potential 100-year flood should be determined.
- iv) The updated survey determined that the lowest elevation of the homes directly adjacent to wetland basin is 20625 Bayview Court (home on end of cul-de-sac). The walkout basement elevation is 930.6.

<u>Lowest Floor Elevation (LFE)</u>	<u>930.6</u>
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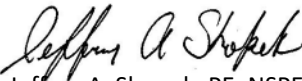
Storm Event	Proposed Flood Elevation (HWL)	Separation Between LFE and HWL 930.6
100 year flood elevation	929.74	0.86
10-day Snowmelt elevations	932.58	-1.98
2-100 years storms back to back	933.91	-3.31

- (1) The home elevation is 0.86 feet **above** the existing 100-year flood elevation assuming there is no water standing in the bottom of 20565 Basin prior to the 100-year storm occurring. If there is 2.2 feet of water standing in prior to a 100-year event, the 100-year flood will be at the lowest floor elevation of home 20625 Bayview Court.
- (2) The 10-day Snowmelt will flood the home by almost two (2) feet.
- (3) Two (2) 100-year back to back storms will flood the home by 3.3 feet.

We welcome the opportunity to meet with the Board of Mangers to discuss this issue.

Sincerely,

Loucks


Jeffrey A. Shopek, PE, NSPE
Director | Principal Engineer

Cc: Bryan Huntington

Document Path: K:\019897-000\GIS\Map\Linnden Rd Drainage Study\Model Overview Date Saved: 12/20/2022

Storm Sewer

- Existing Catchbasin
- ▲ Existing Flared End Section
- Existing Manhole
- Existing Pipe
- Surveyed Point
- ▭ Drainage Area
- ▭ Wetland

Contours

- 10 ft
- 2 ft

Storm Event	Flood Elevation (HWL)	Separation Between LFE and HWL
100 year flood elevation	929.74	0.86
10-day Snowmelt elevations	932.58	-1.98
2-100 years storms back to back	933.91	-3.31

West Basin
 100 yr 931.69
 Snowmelt 932.55
 100 yr B-B 933.86

20565
 NWL- 926.0
 100 yr 929.64
 Snowmelt 932.55
 100 yr B-B 933.89

EOF
 934.5
 (MnTOPO)

LFE
 930.6

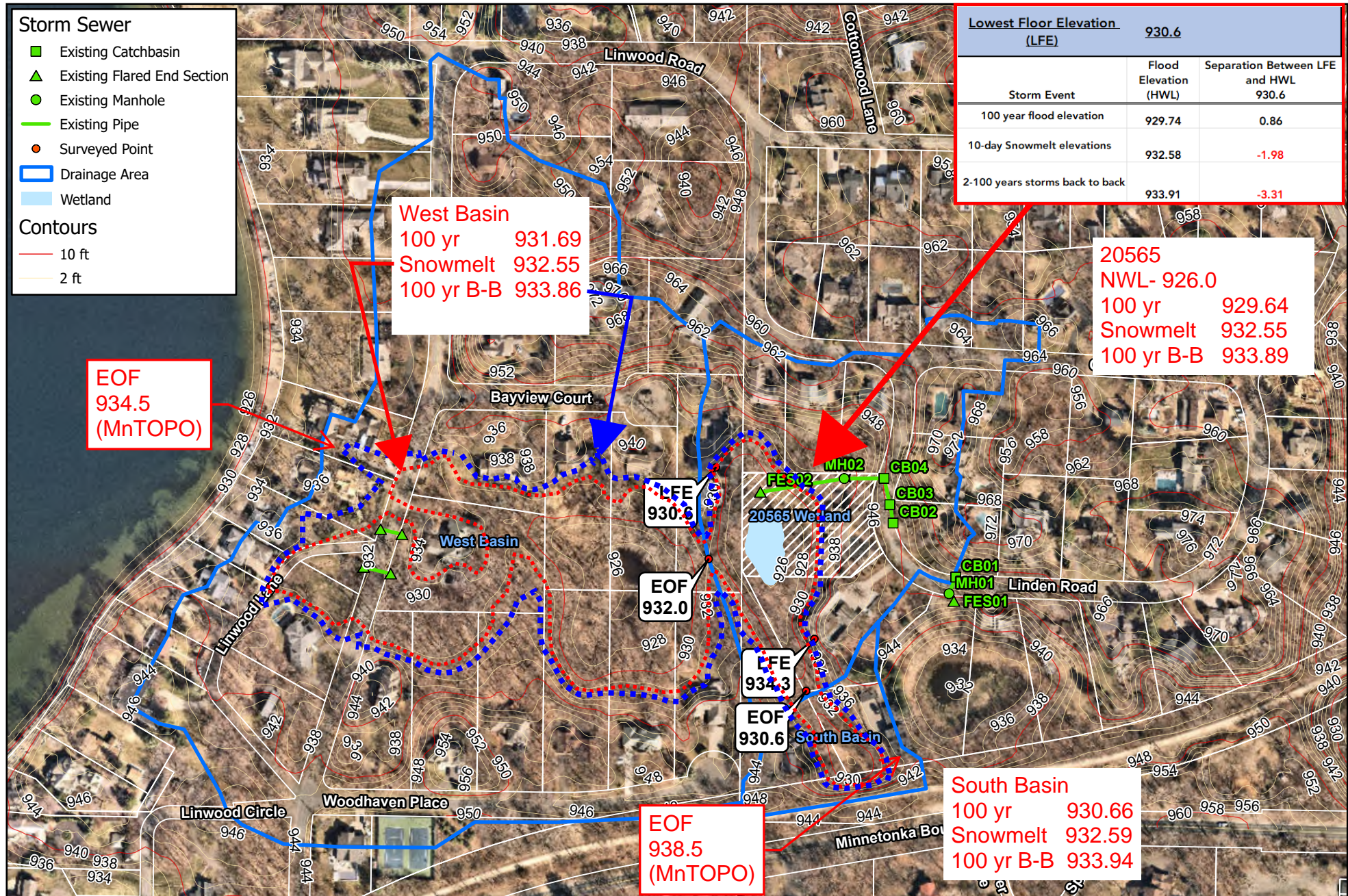
EOF
 932.0

LFE
 934.3

EOF
 930.6

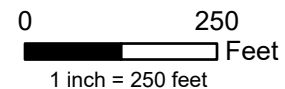
EOF
 938.5
 (MnTOPO)

South Basin
 100 yr 930.66
 Snowmelt 932.59
 100 yr B-B 933.94



Model Overview

Linden Road Drainage Study
 Deephaven, MN



Permit Application for 20565 + 20555 Linden Road

Jef Flemmer <jef.d.flemmer@gmail.com>

Sat 6/15/2024 8:53 AM

To:Veronica Sannes <vsannes@minnehahacreek.org>

You don't often get email from jef.d.flemmer@gmail.com. [Learn why this is important](#)

Dear Ms. Sannes – My wife and I have lived at 20595 Carson Road for the past 8 years and are aware of the Permit Application request for the Linden Road property. I know you've heard from many who and oppose this project. I'd like to add our voices to those opposing the Permit.

In the past 8 years, we've seen significant changes to the properties in and around our home on Bayview Court, Carson Road and elsewhere. Significant grade alterations, tree removal, tear down and lot subdivisions are undesirable from an environmental and homeowner's perspective as follows:

- Stormwater runoff – As you're aware, Deephaven pays a surcharge for excess stormwater runoff. Continued alteration of the natural landscape will not improve this issue.
- Disturbance of wildlife - The area for the proposed permit includes wetlands where owls, frogs, deer and other creatures make their home. Significant, long-term construction will alter or destroy the habitat for these creatures.

And, while the Watershed District isn't primarily concerned with the issues below, I think it important to consider the following as well:

- Construction traffic and noise – As an example, there have been days when Carson Road is impassable due to construction parking and traffic.
- Quiet enjoyment of our property – While I understand and respect the rights of other homeowners, at some point consideration must be given to those who live here and must deal with the endless parade of construction vehicles and construction noise.

I'm sure you've received correspondence from our neighbors echoing the issues and am hopeful the Watershed District will deny the request and/or have it reviewed by the MCWD Board of Managers. Thank you for your consideration and please contact me with questions.

Jef Flemmer

Mobile: 612.963.3253

jef.d.flemmer@gmail.com

From: Jeff Schlesinger <jeffschlesinger@aol.com>
Sent: Wednesday, June 12, 2024 8:17 PM
To: vsannes@minnehahacreek.org
Subject: Re: M.T.Laught LLC Permit Request #24-208

Hello Ms Sannes,

Thank you for taking our comments into consideration.

I don't think that I have received a copy of the permit application or the erosion control permit yet. I would have to have an adequate time to review the application before making meaningful comments. My general concern is the effect on drainage in the neighborhood and the impact on the existing wetland.

Is there a scheduled date for board consideration?

Thank you,

Jeff Schlesinger

In a message dated 6/11/2024 8:05:13 PM Central Daylight Time,
vsannes@minnehahacreek.org writes:

Hi Jeff,

MCWD aims to address all comments and concerns as thoroughly as possible. If you could please outline your comments/concerns to me by June 18th, so we can prepare to speak to them at the Board meeting, that would be greatly appreciated.

Thank you,

Veronica

Veronica Sannes || Permitting Technician || www.minnehahacreek.org

15320 Minnetonka Blvd. Minnetonka, MN 55345 • 952.641.4580



MINNEHAHA CREEK
WATERSHED DISTRICT
QUALITY OF WATER, QUALITY OF LIFE